

## FIFTY-EIGHTH DAY

St. Paul, Minnesota, Monday, May 11, 2015

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

**CALL OF THE SENATE**

Senator Bakk 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. Dennis Morreim.

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:

Anderson	Eaton	Johnson	Osmek	Sieben
Bakk	Eken	Kent	Pappas	Skoe
Benson	Fischbach	Kiffmeyer	Pederson, J.	Sparks
Bonoff	Franzen	Koenen	Petersen, B.	Stumpf
Brown	Gazelka	Latz	Pratt	Thompson
Carlson	Goodwin	Limmer	Reinert	Tomassoni
Chamberlain	Hall	Lourey	Rest	Torres Ray
Champion	Hann	Marty	Rosen	Weber
Clausen	Hawj	Metzen	Ruud	Westrom
Cohen	Hayden	Miller	Saxhaug	Wiger
Dahle	Hoffman	Nelson	Scalze	Wiklund
Dahms	Housley	Newman	Schmit	
Dibble	Ingebrigtsen	Nienow	Senjem	
Dziedzic	Jensen	Ortman	Sheran	

The President declared a quorum present.

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

**MESSAGES FROM THE HOUSE**

Madam President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 462 and 1191.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 8, 2015

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1792 and 1535.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 8, 2015

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 1792:** A bill for an act relating to health; making changes to provisions governing receivership of nursing homes or certified boarding care homes; amending Minnesota Statutes 2014, sections 144A.15; 256B.0641, subdivision 3; 256B.495, subdivisions 1, 5; repealing Minnesota Statutes 2014, sections 144A.14; 256B.495, subdivisions 1a, 2, 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1471, now on General Orders.

**H.F. No. 1535:** A bill for an act relating to human services; providing for human services policy modifications relating to children and family services, chemical and mental health services, direct care and treatment, operations, health care, and continuing care; making changes to child care assistance programs, home and community-based services standards, medical assistance, the alternative care program, Northstar Care for Children, children's therapeutic services and supports, human services licensing provisions, and the community first services and supports program; modifying requirements for background studies; extending a council; modifying the Minnesota Indian Family Preservation Act; making changes to provisions governing child out-of-home placement; modifying reporting requirements for maltreatment of children and vulnerable adults; making technical changes; requiring reports; modifying requirements for administrative sanctions and hearings; authorizing rulemaking; providing criminal penalties; amending Minnesota Statutes 2014, sections 62J.495, subdivision 1; 119B.011, subdivision 16; 119B.025, subdivision 1; 119B.09, subdivision 9; 119B.125, subdivisions 1, 6, by adding subdivisions; 144.0724, subdivision 12; 148E.065, subdivision 4a; 168.012, subdivision 1; 245.462, subdivision 4; 245A.02, subdivision 13, by adding subdivisions; 245A.035, subdivisions 1, 5; 245A.04, subdivision 15a; 245A.07, subdivisions 2, 2a; 245A.11, subdivision 4; 245A.12; 245A.13; 245A.14, subdivision 14; 245A.148; 245A.16, subdivision 1; 245A.175; 245A.1915; 245A.192, subdivisions 3, 5, 10, 11, by adding subdivisions; 245A.40, subdivisions 3, 4, 5; 245A.50, subdivision 1; 245C.02, subdivision 2; 245C.04, subdivisions 4, 5, 6; 245C.05, subdivision 1; 245C.07; 245C.10, subdivision 10, by adding a subdivision; 245C.20, subdivision 2, by adding a subdivision; 245C.22, subdivision 7; 245D.10, subdivision 3, by adding a subdivision; 245E.01, subdivision 8, by adding a subdivision; 245E.02, subdivisions 1, 4, by adding a subdivision; 245E.06, subdivisions 2, 3; 253B.212, subdivision 2, by adding a subdivision; 254B.05, subdivision 5; 256.01, subdivisions 4, 14b; 256.045, subdivisions 3, 6; 256.975, subdivision 7; 256.98, subdivision 1; 256B.0625, subdivision 31, by adding a subdivision; 256B.0911, subdivisions 1a, 2b, 3, 3a; 256B.0913, subdivisions 4, 5, 5a, 6, 10, 11, 12, by adding a subdivision; 256B.0943, subdivisions 1, 2, 3, 4, 5, 6, 7, 9, 11; 256B.0946, subdivision 1; 256B.0947, subdivision 7a; 256B.85; 256N.02, subdivision 18; 256N.23, subdivision 6; 257.85, subdivision 3; 259A.01, subdivision 25; 259A.10, subdivision 6; 260.755, subdivisions 8, 14, by adding subdivisions; 260.761, subdivisions 1, 2; 260.771,

subdivision 3, by adding subdivisions; 260B.007, subdivision 12; 260C.007, subdivision 27, by adding a subdivision; 260C.168; 260C.178, subdivision 1; 260C.201, subdivision 5; 260C.212, subdivisions 1, 2; 260C.511; 268.155, subdivision 1; 402A.12; 402A.16, subdivisions 2, 4; 402A.18; 471.346; 609.821; 626.556, subdivisions 10, 11d; 626.557, subdivisions 9a, 9b, 10; 626.5572, subdivisions 5, 6, 21; Laws 2013, chapter 108, article 7, section 58; proposing coding for new law in Minnesota Statutes, chapters 245; 245A; 256; 256B; 260; 609; repealing Minnesota Statutes 2014, sections 245D.061, subdivision 3; 245E.07, subdivision 3; 256B.0911, subdivision 6a; Minnesota Rules, parts 9505.0175, subpart 32; 9505.0365, subpart 2; 9505.1696, subpart 10; 9505.1709; 9535.2000; 9535.2100; 9535.2200; 9535.2300; 9535.2400; 9535.2500; 9535.2600; 9535.2700; 9535.2800; 9535.2900; 9535.3000; 9555.7400; 9555.7500.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1356, now on General Orders.

### REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Report at the Desk be now adopted. The motion prevailed.

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

**H.F. No. 177** 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.
177	26				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 177 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 177, the second engrossment; and insert the language after the enacting clause of S.F. No. 26, the first engrossment; further, delete the title of H.F. No. 177, the second engrossment; and insert the title of S.F. No. 26, the first engrossment.

And when so amended H.F. No. 177 will be identical to S.F. No. 26, and further recommends that H.F. No. 177 be given its second reading and substituted for S.F. No. 26, and that the Senate File be indefinitely postponed.

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

### SECOND READING OF HOUSE BILLS

H.F. No. 177 was read the second time.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

**Senators Eaton, Dahle, Bakk, Metzen and Hawj introduced—**

**S.F. No. 2163:** A bill for an act relating to health; guaranteeing that all necessary health care is available and affordable for every Minnesotan; establishing the Minnesota Health Plan, Minnesota Health Board, Minnesota Health Fund, Office of Health Quality and Planning, ombudsman for patient advocacy, and auditor general for the Minnesota Health Plan; requesting a 1332 waiver; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2014, sections 13.3806, by adding a subdivision; 14.03, subdivisions 2, 3; 15A.0815, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 62W.

Referred to the Committee on Health, Human Services and Housing.

**Senators Wiger and Chamberlain introduced—**

**S.F. No. 2164:** A bill for an act relating to water; appropriating money for a joint powers agreement and planning to address water issues concerning White Bear Lake.

Referred to the Committee on Finance.

**Senator Schmit introduced—**

**S.F. No. 2165:** A bill for an act relating to energy; renewables; providing for expiration of the community-based energy development tariff; amending Minnesota Statutes 2014, section 216B.1612, by adding a subdivision.

Referred to the Committee on Environment and Energy.

**MOTIONS AND RESOLUTIONS**

Senator Wiger moved that the name of Senator Hawj be added as a co-author to S.F. No. 79. The motion prevailed.

Senator Wiger moved that the name of Senator Hawj be added as a co-author to S.F. No. 1854. The motion prevailed.

**Senator Clausen introduced –**

**Senate Resolution No. 151:** A Senate resolution congratulating Tori Labonte of Apple Valley, Minnesota, for receiving the Girl Scout Gold Award.

Referred to the Committee on Rules and Administration.

**SPECIAL ORDERS**

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

H.F. No. 307, S.F. Nos. 1371, 280, 205, 1432, 1398, H.F. No. 417, S.F. Nos. 698, 1374 and 455.

**SPECIAL ORDER**

**H.F. No. 307:** A bill for an act relating to transportation; commerce; providing for proof of insurance in electronic format; amending Minnesota Statutes 2014, section 169.791, subdivisions 1, 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Dziedzic	Jensen	Nienow	Sheran
Bakk	Eaton	Johnson	Osmek	Sieben
Benson	Eken	Kent	Pappas	Skoe
Bonoff	Fischbach	Kiffmeyer	Pederson, J.	Sparks
Brown	Franzen	Koenen	Petersen, B.	Stumpf
Carlson	Gazelka	Latz	Pratt	Thompson
Chamberlain	Goodwin	Limmer	Reinert	Tomassoni
Champion	Hall	Lourey	Rest	Torres Ray
Clausen	Hann	Marty	Rosen	Weber
Cohen	Hawj	Metzen	Ruud	Wiger
Dahle	Hayden	Miller	Saxhaug	Wiklund
Dahms	Housley	Nelson	Scalze	
Dibble	Ingebrigtsen	Newman	Senjem	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 1371:** A bill for an act relating to labor and industry; making housekeeping changes to the Construction Codes and Licensing Division; making housekeeping changes related to the Office of Combative Sports and apprenticeship program; clarifying safe patient handling requirements; removing obsolete, redundant, and unnecessary laws and rules; making conforming changes; authorizing rulemaking; amending Minnesota Statutes 2014, sections 177.27, subdivision 4; 178.03, subdivision 3; 178.07; 181.171, subdivision 1; 182.6552, subdivision 2; 182.6553, subdivisions 1, 2; 184.21, subdivision 4; 184.24, subdivision 1; 184.41; 326B.082, subdivision 11; 326B.092, subdivisions 3, 7; 326B.094, subdivisions 2, 3; 326B.098, by adding a subdivision; 326B.106, subdivisions 4, 7; 326B.109, subdivision 2; 326B.135, subdivision 4; 326B.139; 326B.164, subdivision 8; 326B.184, subdivision 2; 326B.194; 326B.33, subdivisions 6, 15; 326B.37, subdivision 11; 326B.46, subdivisions 1b, 2; 326B.49, subdivision 3; 326B.56, subdivision 1; 326B.701, subdivision 3; 326B.811, subdivision 1; 326B.84; 326B.86, subdivision 1; 326B.921, subdivision 5; 326B.99, subdivision 2; 341.21, subdivisions 2a, 4, 4f, 7, by adding a subdivision; 341.28, subdivision 3; 341.29; 341.30, subdivisions 1, 2, 4; 341.32, subdivisions 1, 2; 341.33; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2014, sections 16C.0745; 181.12; 181.9435, subdivision 2; 184.22, subdivision 1; 184.25; 184.26; 184.27; 184.28; 184.29; 184.30, subdivision 1; 184.32; 184.33; 184.34; 184.35; 184.36; 184.38, subdivisions 2, 16, 17; 184.40; 326B.091, subdivision 6; 326B.106, subdivision 10; 326B.169; 326B.181; 471.465; 471.466; 471.467; 471.468; 609B.137; Minnesota Rules, parts 5200.0510; 5200.0520; 5200.0530; 5200.0540; 5200.0550; 5200.0560; 5200.0570; 5200.0750; 5200.0760.

Senator Sparks moved to amend S.F. No. 1371 as follows:

Page 1, after line 28, insert:

"Section 1. Minnesota Statutes 2014, section 103I.205, subdivision 4, is amended to read:

Subd. 4. **License required.** (a) Except as provided in paragraph (b), (c), (d), or (e), section 103I.401, subdivision 2, or section 103I.601, subdivision 2, a person may not drill, construct, repair, or seal a well or boring unless the person has a well contractor's license in possession.

(b) A person may construct, repair, and seal a monitoring well if the person:

(1) is a professional engineer licensed under sections 326.02 to 326.15 in the branches of civil or geological engineering;

(2) is a hydrologist or hydrogeologist certified by the American Institute of Hydrology;

(3) is a professional geoscientist licensed under sections 326.02 to 326.15;

(4) is a geologist certified by the American Institute of Professional Geologists; or

(5) meets the qualifications established by the commissioner in rule.

A person must register with the commissioner as a monitoring well contractor on forms provided by the commissioner.

(c) A person may do the following work with a limited well/boring contractor's license in possession. A separate license is required for each of the six activities:

(1) installing or repairing well screens or pitless units or pitless adaptors and well casings from the pitless adaptor or pitless unit to the upper termination of the well casing;

(2) constructing, repairing, and sealing drive point wells or dug wells;

(3) installing well pumps or pumping equipment;

(4) sealing wells;

(5) constructing, repairing, or sealing dewatering wells; or

(6) constructing, repairing, or sealing bored geothermal heat exchangers.

(d) A person may construct, repair, and seal an elevator boring with an elevator boring contractor's license.

(e) Notwithstanding other provisions of this chapter requiring a license or registration, a license or registration is not required for a person who complies with the other provisions of this chapter if the person is:

(1) an individual who constructs a well on land that is owned or leased by the individual and is used by the individual for farming or agricultural purposes or as the individual's place of abode;

(2) an individual who performs labor or services for a contractor licensed or registered under the provisions of this chapter in connection with the construction, sealing, or repair of a well or boring at the direction and under the personal supervision of a contractor licensed or registered under the provisions of this chapter; or

(3) a licensed plumber who is repairing submersible pumps or water pipes associated with well water systems if: (1) the repair location is within an area where there is no licensed or registered well contractor within 25 50 miles, and (2) the licensed plumber complies with all relevant sections of the plumbing code."

Page 4, after line 13, insert:

"Sec. 6. Minnesota Statutes 2014, section 326B.106, subdivision 1, is amended to read:

Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall administer and enforce the provisions of those sections.

(b) The commissioner shall develop rules addressing the plan review fee assessed to similar buildings without significant modifications including provisions for use of building systems as specified in the industrial/modular program specified in section 326B.194. Additional plan review fees associated with similar plans must be based on costs commensurate with the direct and indirect costs of the service.

(c) Beginning with the 2018 edition of the model building codes and every six years thereafter, the commissioner shall review the new model building codes and adopt the model codes as amended for use in Minnesota, within two years of the published edition date. The commissioner may adopt amendments to the building codes prior to the adoption of the new building codes to advance construction methods, technology, or materials, or, where necessary to protect the health, safety, and welfare of the public, or to improve the efficiency or the use of a building.

(d) Notwithstanding paragraph (c), the commissioner shall act on each new model residential energy code and the new model commercial energy code in accordance with federal law for which the United States Department of Energy has issued an affirmative determination in compliance with United States Code, title 42, section 6833. The commissioner may adopt amendments prior to adoption of the new energy codes, as amended for use in Minnesota, to advance construction methods, technology, or materials, or, where necessary to protect the health, safety, and welfare of the public, or to improve the efficiency or use of a building.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to all model code adoptions beginning with the 2018 model building code.

Sec. 7. Minnesota Statutes 2014, section 326B.13, subdivision 8, is amended to read:

Subd. 8. **Effective date of rules.** A rule to adopt or amend the State Building Code is effective ~~180~~ 270 days after publication of the rule's notice of adoption in the State Register. The rule may provide for a later effective date. The rule may provide for an earlier effective date if the commissioner or ~~board~~ proposing the rule finds that an earlier effective date is necessary to protect public health and safety after considering, among other things, the need for time for training of individuals to comply with and enforce the rule. The commissioner must publish an electronic version of the entire adopted rule chapter on the department's Web site within ten days of receipt from the revisor of statutes. The commissioner shall clearly indicate the effective date of the rule on the department's Web site."

Page 5, after line 17, insert:

"Sec. 10. Minnesota Statutes 2014, section 326B.188, is amended to read:

**326B.188 TIMELINE AND EXEMPTION FOR COMPLIANCE WITH ELEVATOR CODE CHANGES AFFECTING EXISTING ELEVATORS AND RELATED DEVICES.**

(a) This section applies to code requirements for existing elevators and related devices under Minnesota Rules, chapter 1307, where the deadline set by law for meeting the code requirements is January 29, 2012, or later.

(b) If the department or municipality conducting elevator inspections within its jurisdiction notified the owner of an existing elevator or related device of the code requirements before August 1, 2011, the owner may submit a compliance plan by December 30, 2011. If the department or municipality did not notify the owner of an existing elevator or related device of the code requirements before August 1, 2011, the department or municipality shall notify the owner of the code requirements and permit the owner to submit a compliance plan by December 30, 2011, or within 60 days after the date of notification, whichever is later.

(c) Any compliance plan submitted under this section shall result in compliance with the code requirements by the later of January 29, 2012, or three years after submission of the compliance plan. Elevators and related devices that are not in compliance with the code requirements by the later of January 29, 2012, or three years after the submission of the compliance plan may be taken out of service as provided in section 326B.175.

(d) When approved by the local building official, an elevator is not required to comply with the code requirements described in paragraph (a) for phase I and II operation if the elevator was installed prior to January 27, 2007, in a residential condominium property having five or fewer floors not including the basement.

**EFFECTIVE DATE.** This section is effective retroactive to January 29, 2012."

Page 36, delete lines 27 and 28 and insert:

"Subdivision 1. **Labor standards.**

Minnesota Statutes 2014, section 181.12, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1371 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:

Anderson	Eaton	Jensen	Nienow	Senjem
Benson	Eken	Johnson	Osmek	Sheran
Bonoff	Fischbach	Kent	Pappas	Sieben
Brown	Franzen	Kiffmeyer	Pederson, J.	Skoe
Carlson	Gazelka	Koenen	Petersen, B.	Sparks
Chamberlain	Goodwin	Latz	Pratt	Stumpf
Champion	Hall	Limmer	Reinert	Thompson
Clausen	Hann	Lourey	Rest	Tomassoni
Cohen	Hawj	Marty	Rosen	Torres Ray
Dahle	Hayden	Metzen	Ruud	Weber
Dahms	Hoffman	Miller	Saxhaug	Wiger
Dibble	Housley	Nelson	Scalze	Wiklund
Dziedzic	Ingebrigtsen	Newman	Schmit	

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

### SPECIAL ORDER

**S.F. No. 280:** A bill for an act relating to state government; ratifying labor agreements and compensation plans.

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 50 and nays 13, as follows:

Those who voted in the affirmative were:

Bonoff	Eken	Johnson	Pappas	Senjem
Carlson	Fischbach	Kent	Pederson, J.	Sheran
Champion	Franzen	Koenen	Pratt	Sieben
Clausen	Goodwin	Latz	Reinert	Sparks
Cohen	Hawj	Lourey	Rest	Stumpf
Dahle	Hayden	Marty	Rosen	Tomassoni
Dahms	Hoffman	Metzen	Ruud	Torres Ray
Dibble	Housley	Miller	Saxhaug	Weber
Dziedzic	Ingebrigtsen	Nelson	Scalze	Wiger
Eaton	Jensen	Nienow	Schmit	Wiklund

Those who voted in the negative were:

Anderson	Chamberlain	Hann	Newman	Thompson
Benson	Gazelka	Kiffmeyer	Osmek	
Brown	Hall	Limmer	Petersen, B.	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 205:** A bill for an act relating to campaign finance; modifying provisions related to the campaign finance and public disclosure board; making changes to provisions related to enforcement, registration, fees, data, contributions, statements of economic interest, and various other provisions administered by the board; providing penalties; making technical changes; amending Minnesota Statutes 2014, sections 10A.02, subdivision 11; 10A.03, subdivision 3; 10A.08, subdivision 1; 10A.09, subdivisions 6, 10; 10A.14, subdivisions 1, 1a, 4; 10A.17, subdivision 4; 10A.20, subdivisions 1, 2, 3; 10A.25, subdivision 10; 10A.27, subdivisions 1, 11; 10A.273, subdivision 1; 10A.322, subdivision 4; 10A.34, by adding a subdivision; 13.607, subdivision 5, by adding a subdivision; 211B.04; 211B.12; 211B.15, subdivision 2; repealing Minnesota Statutes 2014, section 10A.20, subdivision 1c; Minnesota Rules, part 4503.1500, subpart 2.

Senator Pratt moved to amend S.F. No. 205 as follows:

Page 13, delete section 16

The motion prevailed. So the amendment was adopted.

Senator Hann moved to amend S.F. No. 205 as follows:

Page 13, after line 18, insert:

"Sec. 16. Minnesota Statutes 2014, section 10A.27, is amended by adding a subdivision to read:

Subd. 18. **Mandatory civil penalty.** If a candidate, or a candidate's principal campaign committee, accepts a donation of more than a contribution limit in section 10A.27, the board must impose a civil penalty in an amount equal to the amount accepted in excess of the contribution limit. The board may impose a fee greater than the mandatory amount."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 47 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Dziedzic	Johnson	Ortman	Schmit
Benson	Eken	Kent	Osmek	Senjem
Bonoff	Fischbach	Kiffmeyer	Pappas	Stumpf
Brown	Gazelka	Limmer	Pederson, J.	Thompson
Chamberlain	Hall	Lourey	Petersen, B.	Weber
Clausen	Hann	Marty	Pratt	Westrom
Cohen	Hoffman	Miller	Rest	Wiger
Dahle	Housley	Nelson	Rosen	
Dahms	Ingebrigtsen	Newman	Ruud	
Dibble	Jensen	Nienow	Scalze	

Those who voted in the negative were:

Carlson	Goodwin	Latz	Sheran	Tomassoni
Champion	Hawj	Metzen	Sieben	Torres Ray
Eaton	Hayden	Reinert	Skoe	Wiklund
Franzen	Koenen	Saxhaug	Sparks	

The motion prevailed. So the amendment was adopted.

S.F. 205 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 36 and nays 30, as follows:

Those who voted in the affirmative were:

Carlson	Eken	Kent	Saxhaug	Tomassoni
Champion	Franzen	Koenen	Scalze	Torres Ray
Clausen	Goodwin	Lourey	Schmit	Wiger
Cohen	Hawj	Marty	Sheran	Wiklund
Dahle	Hayden	Metzen	Sieben	
Dibble	Hoffman	Pappas	Skoe	
Dziedzic	Jensen	Reinert	Sparks	
Eaton	Johnson	Rest	Stumpf	

Those who voted in the negative were:

Anderson	Fischbach	Kiffmeyer	Nienow	Rosen
Benson	Gazelka	Latz	Ortman	Ruud
Bonoff	Hall	Limmer	Osmek	Senjem
Brown	Hann	Miller	Pederson, J.	Thompson
Chamberlain	Housley	Nelson	Petersen, B.	Weber
Dahms	Ingebrigtsen	Newman	Pratt	Westrom

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

### SPECIAL ORDER

**S.F. No. 1432:** A bill for an act relating to environment; modifying public entity purchasing requirements; modifying solid waste provisions; modifying subsurface sewage treatment systems provisions; modifying compensable losses due to harmful substances; modifying eligibility for certain grants; requiring rulemaking; amending Minnesota Statutes 2014, sections 16C.073, subdivision 2; 115.55, subdivision 1; 115.56, subdivision 2; 115A.03, subdivision 32a; 115A.93, subdivision 1; 115B.34, subdivision 2; 446A.073, subdivisions 1, 3, 4.

Senator Marty moved to amend S.F. No. 1432 as follows:

Page 2, after line 8, insert:

"Sec. 2. Minnesota Statutes 2014, section 84.788, subdivision 5, is amended to read:

Subd. 5. **Report of ownership transfers; fee.** ~~A person who sells or transfers (a) Application for transfer of ownership of an off-highway motorcycle registered under this section shall report the sale or transfer must be made to the commissioner within 15 days of the date of transfer.~~

~~(b) An application for transfer must be executed by the registered owner and the buyer on a form prescribed by the commissioner with the owner's registration certificate, purchaser using a bill of sale, and a \$4 fee that includes the vehicle serial number.~~

~~(c) The purchaser is subject to the penalties imposed by section 84.774 if the purchaser fails to apply for transfer of ownership as provided under this subdivision.~~

**EFFECTIVE DATE.** This section is effective January 1, 2016.

Sec. 3. Minnesota Statutes 2014, section 84.788, is amended by adding a subdivision to read:

Subd. 5a. **Report of registration transfers.** (a) Application for transfer of registration under this section must be made to the commissioner within 15 days of the date of transfer.

(b) An application for transfer must be executed by the registered owner and the purchaser using a bill of sale that includes the vehicle serial number.

(c) The purchaser is subject to the penalties imposed by section 84.774 if the purchaser fails to apply for transfer of registration as provided under this subdivision.

**EFFECTIVE DATE.** This section is effective January 1, 2016.

Sec. 4. Minnesota Statutes 2014, section 84.84, is amended to read:

**84.84 TRANSFER OR TERMINATION OF SNOWMOBILE OWNERSHIP.**

(a) Within 15 days after the transfer of ownership, or any part thereof, other than a security interest, or the destruction or abandonment of any snowmobile, written notice thereof of the transfer or destruction or abandonment shall be given to the commissioner in such form as the commissioner shall prescribe.

(b) An application for transfer must be executed by the registered owner and the purchaser using a bill of sale that includes the vehicle serial number.

(c) The purchaser is subject to the penalties imposed by section 84.88 if the purchaser fails to apply for transfer of ownership as provided under this subdivision. Every owner or part owner of a snowmobile shall, upon failure to give such notice of destruction or abandonment, be subject to the penalties imposed by ~~Laws 1967, chapter 876~~ section 84.88.

**EFFECTIVE DATE.** This section is effective July 1, 2016.

Sec. 5. Minnesota Statutes 2014, section 84.922, subdivision 4, is amended to read:

Subd. 4. **Report of transfers.** ~~A person who sells or transfers ownership of a vehicle registered under this section shall report the sale or~~ (a) Application for transfer of ownership must be made to the commissioner within 15 days of the date of transfer.

~~(b) An application for transfer must be executed by the registered owner and the purchaser on a form prescribed by the commissioner with the owner's registration certificate, using a bill of sale and a \$4 fee that includes the vehicle serial number.~~

(c) The purchaser is subject to the penalties imposed by section 84.774 if the purchaser fails to apply for transfer of ownership as provided under this subdivision.

**EFFECTIVE DATE.** This section is effective January 1, 2016.

Sec. 6. Minnesota Statutes 2014, section 84D.01, subdivision 13, is amended to read:

Subd. 13. **Prohibited invasive species.** "Prohibited invasive species" means a nonnative species that has been listed designated as a prohibited invasive species in a rule adopted by the commissioner under section 84D.12.

Sec. 7. Minnesota Statutes 2014, section 84D.01, subdivision 15, is amended to read:

Subd. 15. **Regulated invasive species.** "Regulated invasive species" means a nonnative species that has been listed designated as a regulated invasive species in a rule adopted by the commissioner under section 84D.12.

Sec. 8. Minnesota Statutes 2014, section 84D.01, subdivision 17, is amended to read:

Subd. 17. **Unlisted nonnative species.** "Unlisted nonnative species" means a nonnative species that has not been listed designated as a prohibited invasive species, a regulated invasive species, or an unregulated nonnative species in a rule adopted by the commissioner under section 84D.12.

Sec. 9. Minnesota Statutes 2014, section 84D.01, subdivision 18, is amended to read:

Subd. 18. **Unregulated nonnative species.** "Unregulated nonnative species" means a nonnative species that has been listed designated as an unregulated nonnative species in a rule adopted by the commissioner under section 84D.12.

Sec. 10. Minnesota Statutes 2014, section 84D.03, subdivision 3, is amended to read:

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

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

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

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

~~(3) (c) In streams or rivers that are listed as infested waters, except those listed as infested with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait from streams or rivers listed as infested waters, by hook and line for noncommercial personal use. Other provisions that apply to this clause are~~ is allowed as follows:

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

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

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

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

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

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

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

Sec. 11. Minnesota Statutes 2014, section 84D.06, is amended to read:

**84D.06 UNLISTED NONNATIVE SPECIES.**

Subdivision 1. **Process.** A person may not introduce an unlisted nonnative aquatic plant or wild animal species unless:

- (1) the person has notified the commissioner in a manner and form prescribed by the commissioner;
- (2) the commissioner has made the classification determination required in subdivision 2 and listed designated the species as appropriate; and
- (3) the introduction is allowed under the applicable provisions of this chapter.

Subd. 2. **Classification.** (a) If the commissioner determines that a species for which a notification is received under subdivision 1 should be classified as a prohibited invasive species, the commissioner shall:

- (1) adopt a rule under section 84D.12, subdivision 3, listing designating the species as a prohibited invasive species; and
- (2) notify the person from which the notification was received that the species is subject to section 84D.04.

(b) If the commissioner determines that a species for which a notification is received under subdivision 1 should be classified as an unregulated nonnative species, the commissioner shall:

- (1) adopt a rule under section 84D.12, subdivision 3, listing designating the species as an unregulated nonnative species; and
- (2) notify the person from which the notification was received that the species is not subject to regulation under this chapter.

(c) If the commissioner determines that a species for which a notification is received under subdivision 1 should be classified as a regulated invasive species, the commissioner shall notify the applicant that the species is subject to the requirements in section 84D.07.

Sec. 12. Minnesota Statutes 2014, section 84D.10, subdivision 3, is amended to read:

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

- (1) the removal of aquatic macrophytes or prohibited invasive species from water-related equipment, including decontamination using hot water or high pressure equipment when available on site, before it the water-related equipment is transported or before it is placed into waters of the state;

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

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

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

(5) decontamination of water-related equipment when available on site.

(b) An order for removal of prohibited invasive species under paragraph (a), clause (1), or decontamination of water-related equipment under paragraph (a), clause (5), may include tagging the water-related equipment and issuing a notice that specifies a time frame for completing the removal or decontamination and reinspection of the water-related equipment.

~~(b)~~ (c) An inspector who is not a licensed peace officer may issue orders under paragraph (a), clauses (1), (3), ~~and~~ (4), and (5).

Sec. 13. Minnesota Statutes 2014, section 84D.11, subdivision 1, is amended to read:

Subdivision 1. **Prohibited invasive species.** The commissioner may issue a permit for the propagation, possession, importation, purchase, or transport of a prohibited invasive species for the purposes of disposal, decontamination, control, research, or education.

Sec. 14. Minnesota Statutes 2014, section 84D.12, subdivision 1, is amended to read:

Subdivision 1. **Required rules.** The commissioner shall adopt rules:

(1) ~~listing~~ designating prohibited invasive species, regulated invasive species, and unregulated nonnative species of aquatic plants and wild animals;

(2) governing the application for and issuance of permits under this chapter, which rules may include a fee schedule; and

(3) governing notification under section 84D.08.

Sec. 15. Minnesota Statutes 2014, section 84D.12, subdivision 3, is amended to read:

Subd. 3. **Expedited rules.** The commissioner may adopt rules under section 84.027, subdivision 13, that list designate:

(1) prohibited invasive species of aquatic plants and wild animals;

(2) regulated invasive species of aquatic plants and wild animals; and

(3) unregulated nonnative species of aquatic plants and wild animals.

Sec. 16. Minnesota Statutes 2014, section 84D.13, subdivision 4, is amended to read:

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

- (1) unlawfully transports prohibited invasive species or aquatic macrophytes;
- (2) unlawfully places or attempts to place into waters of the state water-related equipment that has aquatic macrophytes or prohibited invasive species attached;
- (3) intentionally damages, moves, removes, or sinks a buoy marking, as prescribed by rule, Eurasian water milfoil;
- (4) fails to remove plugs, open valves, and drain water from water-related equipment before leaving waters of the state or when transporting water-related equipment as provided in section 84D.10, subdivision 4; ~~or~~
- (5) transports infested water, in violation of rule, off riparian property; or
- (6) fails to complete decontamination of water-related equipment or to remove invasive species from water-related equipment by the date specified on a tagging notice and order.

Sec. 17. Minnesota Statutes 2014, section 84D.13, subdivision 5, is amended to read:

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

- (1) for transporting aquatic macrophytes in violation of section 84D.09, \$100;
- (2) for placing or attempting to place into waters of the state water-related equipment that has aquatic macrophytes attached, \$200;
- (3) for unlawfully possessing or transporting a prohibited invasive species other than an aquatic macrophyte, \$500;
- (4) for placing or attempting to place into waters of the state water-related equipment that has prohibited invasive species attached when the waters are not listed by the commissioner as being infested with that invasive species, \$500;
- (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as prescribed by rule, Eurasian water milfoil, \$100;
- (6) for failing to have drain plugs or similar devices removed or opened while transporting water-related equipment or for failing to remove plugs, open valves, and drain water from water-related equipment, other than marine sanitary systems, before leaving waters of the state, \$100; ~~and~~
- (7) for transporting infested water off riparian property without a permit as required by rule, \$200; ~~and~~
- (8) for failing to complete decontamination of water-related equipment or to remove invasive species from water-related equipment by the date specified on a tagging notice and order, \$250.

(b) A civil citation that is issued to a person who has one or more prior convictions or final orders for violations of this chapter is subject to twice the penalty amounts listed in paragraph (a).

Sec. 18. Minnesota Statutes 2014, section 85.015, is amended by adding a subdivision to read:

Subd. 1e. **Connection to state parks and recreation areas.** Trails designated under this section include connections to state parks or recreation areas that generally lie in between or within the vicinity of the waymarks specifically named in the designation.

Sec. 19. Minnesota Statutes 2014, section 85.015, subdivision 28, is amended to read:

Subd. 28. **Camp Ripley/Veterans State Trail, Crow Wing, Cass, and Morrison Counties.** The trail shall originate at Crow Wing State Park in Crow Wing County at the southern end of the Paul Bunyan Trail and shall extend from Crow Wing State Park westerly to the city of Pillager, then southerly along the west side of Camp Ripley, then easterly along the south side of Camp Ripley across to the east side of the Mississippi River, and then northerly through Fort Ripley to Crow Wing State Park. A second segment of the trail shall be established that shall extend in a southerly direction and in close proximity to the Mississippi River from the southeasterly portion of the first segment of the trail to the city of Little Falls, and then terminate at the Soo Line Trail in Morrison County. Separation of motorized and nonmotorized corridors is acceptable as needed.

Sec. 20. Minnesota Statutes 2014, section 85.053, subdivision 8, is amended to read:

Subd. 8. **Military personnel; exemption.** (a) ~~A one-day permit; An annual permit under subdivision 4, shall~~ 1 must be issued without a fee for a motor vehicle being used by a person who is serving in active military service to active military personnel in any branch or unit of the United States armed forces and who is stationed outside Minnesota, during the period of active service and for 90 days immediately thereafter, or their dependents if the person presents the person's current military orders a qualifying military identification or an annual pass for the United States military issued through the National Parks and Federal Lands Pass Program to the park attendant on duty or other designee of the commissioner.

(b) ~~For purposes of this section, "active service" has the meaning given under section 190.05, subdivision 5c, when performed outside Minnesota the commissioner shall establish what constitutes a qualifying military identification by written order published in the State Register. The written order is exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.~~

(c) ~~A permit is not required for a motor vehicle being used by military personnel or their dependents who have in their possession the annual pass for United States military and their dependents issued by the federal government for access to federal recreation sites. For vehicles permitted under paragraph (a), the permit or decal issued under this subdivision is valid only when displayed on a vehicle owned and occupied by the person to whom the permit is issued.~~

(d) The commissioner may issue a daily vehicle permit free of charge to an individual who qualifies under paragraph (a) and who does not own or operate a motor vehicle.

Sec. 21. Minnesota Statutes 2014, section 85.053, subdivision 10, is amended to read:

Subd. 10. **Free entrance; disabled veterans.** (a) ~~The commissioner shall issue an annual park permit for no charge to any veteran with a total and permanent service-connected disability, and a daily park permit to any resident veteran with any level of service-connected disability, as determined by the United States Department of Veterans Affairs, who presents each year a copy of the veteran's determination letter or other official form of validation issued by the United States Department of Veterans Affairs or the United States Department of Defense to a park attendant~~

or commissioner's designee. For the purposes of this section, "veteran" has the meaning given in section 197.447.

(b) For vehicles permitted under paragraph (a), the permit or decal issued under this subdivision is valid only when displayed on a vehicle owned and occupied by the person to whom the permit is issued.

(c) The commissioner may issue a daily vehicle permit free of charge to an individual who qualifies under paragraph (a) and who does not own or operate a motor vehicle.

Sec. 22. Minnesota Statutes 2014, section 85.054, subdivision 12, is amended to read:

Subd. 12. **Lake Vermilion-Soudan Underground Mine State Park.** A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the visitor parking area of Soudan Underground Mine State Park and the Stuntz Bay boat house area.

Sec. 23. Minnesota Statutes 2014, section 86B.201, is amended by adding a subdivision to read:

Subd. 4. **Construction area restrictions.** The commissioner, after consulting with the governmental units and contractors involved in a construction project, may adopt, by written order, temporary water surface use controls for recreational uses at public construction and maintenance sites that cross or are adjacent to waters of the state for a period of time not to exceed the duration of the construction or maintenance project. Temporary controls adopted under this subdivision are exempt from the rulemaking requirements of chapter 14 and section 14.386 does not apply.

Sec. 24. Minnesota Statutes 2014, section 86B.313, subdivision 1, is amended to read:

Subdivision 1. **General requirements.** (a) In addition to requirements of other laws relating to watercraft, a person may not operate or permit the operation of a personal watercraft:

(1) without each person on board the personal watercraft wearing a United States Coast Guard (USCG) approved Type I, H, HH, or V wearable personal flotation device with a USCG label indicating it either is approved for or does not prohibit use with personal watercraft or water skiing;

(2) between one hour before sunset and 9:30 a.m.;

(3) at greater than slow-no wake speed within 150 feet of:

(i) a shoreline;

(ii) a dock;

(iii) a swimmer;

(iv) a raft used for swimming or diving; or

(v) a moored, anchored, or nonmotorized watercraft;

(4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other device unless:

(i) an observer is on board; or

(ii) the personal watercraft is equipped with factory-installed or factory-specified accessory mirrors that give the operator a wide field of vision to the rear;

(5) without the lanyard-type engine cutoff switch being attached to the person, clothing, or personal flotation device of the operator, if the personal watercraft is equipped by the manufacturer with such a device;

(6) if any part of the spring-loaded throttle mechanism has been removed, altered, or tampered with so as to interfere with the return-to-idle system;

(7) to chase or harass wildlife;

(8) through emergent or floating vegetation at other than a slow-no wake speed;

(9) in a manner that unreasonably or unnecessarily endangers life, limb, or property, including weaving through congested watercraft traffic, jumping the wake of another watercraft within 150 feet of the other watercraft, or operating the watercraft while facing backwards;

(10) in any other manner that is not reasonable and prudent; or

(11) without a personal watercraft rules decal, issued by the commissioner, attached to the personal watercraft so as to be in full view of the operator.

(b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft to launch or land a person on water skis, a kneeboard, or similar device by the most direct route to open water.

Sec. 25. Minnesota Statutes 2014, section 86B.313, subdivision 4, is amended to read:

Subd. 4. **Dealers and rental operations.** (a) A dealer of personal watercraft shall distribute a summary of the laws and rules governing the operation of personal watercraft and, upon request, shall provide instruction to a purchaser regarding:

(1) the laws and rules governing personal watercraft; and

(2) the safe operation of personal watercraft.

(b) A person who offers personal watercraft for rent:

(1) shall provide a summary of the laws and rules governing the operation of personal watercraft and provide instruction regarding the laws and rules and the safe operation of personal watercraft to each person renting a personal watercraft;

(2) shall provide a United States Coast Guard (USCG) approved ~~Type I, II, III, or V~~ wearable personal flotation device with a USCG label indicating it either is approved for or does not prohibit use with personal watercraft or water skiing and any other required safety equipment to all persons who rent a personal watercraft at no additional cost; and

(3) shall require that a watercraft operator's permit from this state or from the operator's state of residence be shown each time a personal watercraft is rented to any person younger than age 18 and shall record the permit on the form provided by the commissioner.

(c) Each dealer of personal watercraft or person offering personal watercraft for rent shall have the person who purchases or rents a personal watercraft sign a form provided by the commissioner acknowledging that the purchaser or renter has been provided a copy of the laws and rules regarding personal watercraft operation and has read them. The form must be retained by the dealer or person offering personal watercraft for rent for a period of six months following the date of signature and

must be made available for inspection by sheriff's deputies or conservation officers during normal business hours.

Sec. 26. Minnesota Statutes 2014, section 86B.315, is amended to read:

**86B.315 TOWING PERSON ON WATER SKIS OR OTHER DEVICE.**

Subdivision 1. **Observer or mirror required.** A person may not operate a watercraft on waters of this state and create a wake for a wake surfer or tow a person on water skis, an aquaplane, a surfboard, a saucer, or a similar device unless:

(1) there is another person in the watercraft in addition to the operator who is in a position to continually observe the person being towed; or

(2) the boat is equipped with a mirror providing the operator a wide field of vision to the rear.

Subd. 2. **Prohibited night skiing or towing prohibited activities.** On waters of this state, from one-half hour after sunset to sunrise of the following day, a person may not:

(1) wake surf;

(2) operate a watercraft creating a wake for a wake surfer;

(3) be towed by a watercraft; or

(4) operate a watercraft towing a person on water skis, an aquaplane, a surfboard, a saucer, or another device on waters of this state from one hour after sunset to sunrise of the following day.

Sec. 27. Minnesota Statutes 2014, section 88.17, subdivision 3, is amended to read:

Subd. 3. **Special permits.** The following special permits are required at all times, including when the ground is snow-covered:

(a) **Fire training.** A permit to start a fire for the instruction and training of firefighters, including liquid fuels training, may be given by the commissioner or agent of the commissioner. Except for owners or operators conducting fire training in specialized industrial settings pursuant to applicable federal, state, or local standards, owners or operators conducting open burning for the purpose of instruction and training of firefighters with regard to structures must ~~follow the techniques described in a document entitled: Structural Burn Training Procedures for the Minnesota Technical College System~~ use only fuel materials as outlined in the current edition of National Fire Protection Association 1403, Standard on Live Fire Training Evolutions, and obtain the applicable live burn documents in accordance with the current edition of the Board of Firefighter Training and Education's live burn plan established according to section 299N.02, subdivision 3, clause (2).

(b) **Permanent tree and brush open burning sites.** A permit for the operation of a permanent tree and brush burning site may be given by the commissioner or agent of the commissioner. Applicants for a permanent open burning site permit shall submit a complete application on a form provided by the commissioner. Existing permanent tree and brush open burning sites must submit for a permit within 90 days of the passage of this statute for a burning permit. New site applications must be submitted at least 90 days before the date of the proposed operation of the permanent open burning site. The application must be submitted to the commissioner and must contain:

(1) the name, address, and telephone number of all owners of the site proposed for use as the permanent open burning site;

(2) if the operator for the proposed permanent open burning site is different from the owner, the name, address, and telephone number of the operator;

(3) a general description of the materials to be burned, including the source and estimated quantity, dimensions of the site and burn pile areas, hours and dates of operation, and provisions for smoke management; and

(4) a topographic or similarly detailed map of the site and surrounding area within a one-mile circumference showing all structures that might be affected by the operation of the site.

Only trees, tree trimmings, or brush that cannot be disposed of by an alternative method such as chipping, composting, or other method shall be permitted to be burned at a permanent open burning site. A permanent tree and brush open burning site must be located and operated so as not to create a nuisance or endanger water quality. The commissioner shall revoke the permit or order actions to mitigate threats to public health, safety, and the environment in the event that permit conditions are violated.

Sec. 28. Minnesota Statutes 2014, section 88.49, subdivision 3, is amended to read:

Subd. 3. **Recording Provisions of auxiliary forest contract to run with the land.** ~~The commissioner shall submit such contract in recordable form to the owner of the land covered thereby. If the owner shall indicate to the commissioner an unwillingness to execute the same, or if the owner or any of the persons having an interest therein or lien thereon fail to execute it within 60 days from the time of its submission to the owner, all proceedings relating to the making of this land into an auxiliary forest shall be at an end.~~

~~When the contract shall have been executed it shall forthwith be recorded in the office of the county recorder at the expense of the owner or, if the title to the land be registered, with the registrar of titles. At the time the contract is recorded with the county recorder for record the owner, at the owner's expense, shall record with the county recorder a certificate from the county attorney to the effect that no change in record title thereof has occurred, that no liens or other encumbrances have been placed thereon, and that no taxes have accrued thereon since the making of the previous certificate. It shall be the duty of the county attorney to furnish this certificate without further compensation.~~

All the provisions of the a recorded contract shall be for an auxiliary forest are deemed covenants running with the land from the date of the filing of the contract for record.

Sec. 29. Minnesota Statutes 2014, section 88.49, subdivision 4, is amended to read:

Subd. 4. **Effect.** Upon the filing of the contract for record, the land therein described in the contract shall become, and; during the life of the contract; remain and be, an auxiliary forest entitled to all the benefits and subject to all the restrictions of sections 88.47 88.49 to 88.53, all of which shall be deemed a. These sections are part of the obligation of the contract and shall be are inviolate, subject only to the police power of the state, to the power of eminent domain, and to the right of the parties thereto by mutual agreement to make applicable to the contract any laws of the state enacted subsequent to its the execution and filing. This provision shall not be so construed as to prevent amendatory or supplementary legislation which does of the contract. Laws enacted subsequent to the date of execution of the contract are applicable to the contract, so long as the laws do not impair these the contract rights of the parties thereto, or as to prevent amendatory or supplementary legislation

in respect of the culture, care, or management of the lands included in any such contract signatories of the contract or their successors or assigns.

Sec. 30. Minnesota Statutes 2014, section 88.49, subdivision 5, is amended to read:

Subd. 5. **Cancellation.** ~~Upon the failure of~~ (a) If the owner fails to faithfully to fulfill and perform such the contract or, any provision thereof of the contract, or any requirement of sections 88.47 88.49 to 88.53, or any rule adopted by the commissioner thereunder ~~adopts under those sections,~~ the commissioner may cancel the contract ~~in the manner herein provided.~~ The commissioner shall give to the owner, ~~in the manner prescribed in section 88.48, subdivision 4,~~ 60 days' notice of a hearing ~~thereon~~ at which the owner may appear and show cause, if any, why the contract should not be canceled. The commissioner shall ~~thereupon~~ then determine whether the contract should be canceled and make an order to that effect. Notice of the commissioner's determination ~~and the making of the order shall be given to~~ The commissioner shall give the owner ~~in the manner provided in section 88.48, subdivision 4~~ notice of the commissioner's determination and order. ~~On determining~~ If the commissioner determines that the contract should be canceled and ~~no appeal therefrom be taken~~ the owner does not appeal the determination as provided in subdivision 7, the commissioner shall send notice ~~thereof~~ of the cancellation to the auditor of the county and to the town clerk of the town affected and file with the recorder a certified copy of the order, ~~who.~~ The recorder shall ~~forthwith~~ note the cancellation upon the record ~~thereof,~~ and ~~thereupon~~ the land ~~therein~~ described in the contract shall cease to be an auxiliary forest and, together with the timber ~~thereon~~ on the land, become liable to for all taxes and assessments that otherwise would have been levied against it ~~had it never been an auxiliary forest~~ the land from the time of the making of the contract, ~~any notwithstanding provisions of the statutes of limitation to the contrary notwithstanding, less.~~ The amount of taxes paid under the provisions of section 88.51, subdivision 1, together with interest on such taxes and assessments at six percent per annum, but without penalties, must be subtracted from the tax owed by the owner.

(b) The commissioner may ~~in like manner and with like effect~~ cancel the contract upon written application of the owner.

(c) The commissioner shall cancel ~~any the~~ contract if the owner has ~~made successful application successfully applied~~ under sections 290C.01 to 290C.11, the Sustainable Forest Incentive Act, sections 290C.01 to 290C.11, and has paid to the county treasurer the tax difference between the amount ~~which~~ that would have been paid had the land under contract been subject to the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive Act from the date of the recording of the contract and the amount actually paid under section 88.51, ~~subdivisions~~ subdivision 1, and Minnesota Statutes 2014, section 88.51, subdivision 2. ~~This tax difference must be calculated based on the years the lands would have been taxed under the Tree Growth Tax Law and the Sustainable Forest Incentive Act.~~ The sustainable forest tax difference is net of the incentive payment of section 290C.07. If the amount ~~which~~ that would have been paid, ~~had~~ if the land under contract ~~had~~ been under the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive Act from the date of the filing of the contract, ~~was filed~~ is less than the amount actually paid under the contract, the cancellation shall be made without further payment by the owner.

~~When~~ (d) If the execution of ~~any the~~ contract creating an auxiliary forest ~~shall have been~~ is procured through fraud or deception practiced upon on the county board ~~or,~~ the commissioner, or any other person or body representing the state, it may ~~be canceled~~ cancel it upon suit brought by the attorney general at the direction of the commissioner. This cancellation ~~shall have~~ has the same effect as the cancellation of a contract by the commissioner.

Sec. 31. Minnesota Statutes 2014, section 88.49, subdivision 6, is amended to read:

Subd. 6. **Assessment after cancellation.** (a) For the purpose of levying such taxes, the county auditor shall, immediately upon receipt of receiving notice of the cancellation of any a contract creating an auxiliary forest, direct the local assessor to assess the lands within the forest, excluding the value of merchantable timber and minerals and other things of value taxed under the provisions of Minnesota Statutes 2014, section 88.51, subdivision 2, as of for each of the years during which the lands have been were included within the auxiliary forest. The local assessor shall forthwith make the assessment and certify the same to the county auditor. The county auditor shall thereupon levy a tax on the assessable value of the land as, fixed by section 273.13, for each of the years during which the land has been was within an auxiliary forest, at the rate at which other real estate within the taxing district was taxed in those years. The tax so assessed and levied against any land shall be is a first and prior lien upon the land and upon all timber and forest products growing, grown, or cut thereon on the land and removed therefrom from the land. These taxes shall must be enforced in the same manner as other taxes on real estate are enforced and, in addition thereto, the lien of the tax on forest products cut or removed from this land shall must be enforced by the seizure and sale of the forest products.

(b) No person shall, after the mailing by the commissioner, as provided in subdivision 5, of notice of hearing on the cancellation of a the contract making any lands an auxiliary forest, cut or remove from these lands any timber or forest products growing, grown, or cut thereon until all taxes levied under this subdivision shall have been are paid, or, in the event such if the levy shall is not have been completed, until the owner shall have has given a bond payable to the county, with sureties approved by the county auditor, in such the amount as the county auditor shall deem deems ample for the payment of all taxes that may be levied thereon under this subdivision, conditioned for the payment of such the taxes.

(c) Any person who shall violate any of the provisions of violates this subdivision shall be is guilty of a felony.

Sec. 32. Minnesota Statutes 2014, section 88.49, subdivision 7, is amended to read:

Subd. 7. **Appeal.** (a) The owner may appeal from any cancellation order of the commissioner to the district court of the county wherein where the land is situate, located by serving notice of appeal on the commissioner and filing the same with the court administrator of the district court within 30 days after the date of mailing of notice of such order.

(b) The appeal shall must be tried between the state of Minnesota and the owner by the court as a suit for the rescission of a contract is tried, and the judgment of the court shall be is substituted for the cancellation order of the commissioner, and shall be is final.

Sec. 33. Minnesota Statutes 2014, section 88.49, subdivision 8, is amended to read:

Subd. 8. **Proceedings in lieu of cancellation.** If cause for the cancellation of any a contract shall exist exists, the commissioner may, in lieu of canceling such the contract, perform the terms and conditions, other than the payment of that the owner was required to perform, except that the commissioner may not pay any taxes; that the owner was required, by the contract or by law or by the rules of the commissioner, to be performed by the owner, and may for that purpose to have paid by law. The commissioner may use any available moneys appropriated for the maintenance of the commissioner's division and any other lawful means to perform all other terms and conditions required to maintain the auxiliary forest status. The commissioner shall, on December 1 each year,

certify to the auditor of each county the amount of moneys thus expended on and the value of services thus rendered ~~in respect of any lands therein~~ for land in the county since December 1 of the preceding year. The county auditor shall ~~forthwith~~ assess and levy the amount shown by this certificate against the lands described ~~therein~~. This amount ~~shall bear~~ bears interest at the rate of six percent per annum and ~~shall be~~ is a lien upon the lands described ~~therein~~, and. The collection ~~thereof~~ of the tax must be enforced in the same manner as taxes levied under section 88.52, subdivision 1; and; if ~~such~~ the tax ~~be~~ is not sooner paid, it ~~shall~~ must be added to, and the payment ~~thereof~~ enforced with, the yield tax imposed under section 88.52, subdivision 2.

Sec. 34. Minnesota Statutes 2014, section 88.49, subdivision 9, is amended to read:

Subd. 9. **Auxiliary forests; withdrawal of land from.** (a) Land needed for other purposes may be withdrawn from an auxiliary forest ~~as herein provided~~. The owner may submit a verified application therefor in a form prescribed by the commissioner of natural resources may be made by the owner to the county board of the county in which the land is situated, describing the land and stating the purpose of withdrawal. Like proceedings shall be had upon the application as upon an application for the establishment of an auxiliary forest, except that consideration need be given only to the questions to be determined as provided in this subdivision. The county board shall consider the application and hear any matter offered in support of or in opposition to the application. The county board shall make proper record of its action upon the application. If the application is rejected, the county board shall prepare a written statement stating the reasons for the rejection within 30 days of the date of rejection. If the application is rejected, the county auditor shall, within 30 days of the rejection, endorse the rejection on the application and return it, together with a copy of the written statement prepared by the county board stating the reasons for rejection to the applicant. The rejected application and written statement must be sent to the owner by certified mail at the address given in the application.

(b) If the application is disapproved as to only a part of the lands described, the county auditor shall notify the applicant in the same manner as if the application were rejected. The applicant may amend the application within 60 days after the notice is mailed. If it is not amended, the application is deemed rejected.

(c) If the county board ~~shall determine~~ determines that the land proposed to be withdrawn is needed and is suitable for the purposes set forth in the application, and that the remaining land in the auxiliary forest is suitable and sufficient for the purposes thereof of the auxiliary forest as provided by law, the board may, in its discretion, grant the application, subject to the approval of the commissioner. Upon such approval a supplemental contract evidencing the withdrawal shall be executed, filed, and recorded or registered as the case may require, in like manner as an original auxiliary forest contract. Thereupon by both the county board and the commissioner, the county auditor shall notify the applicant and the commissioner. Upon notice from the county auditor, the commissioner shall cause to be prepared a supplemental contract executed by the commissioner on behalf of the state and by the owner of the fee title or the holder of a state deed and by all other persons having any liens on the land and witnessed and acknowledged as provided by law for the execution of recordable deeds of conveyance. Notices sent by certified mail to the owner in fee at the address given in the application is deemed notice to all persons executing the supplemental contract. The supplemental contract must be prepared by the director of the Division of Forestry on a recordable form approved by an attorney appointed by the commissioner. Every supplemental contract must be approved by the Executive Council. The commissioner shall submit the supplemental contract to the owner of the land. If the owner indicates to the commissioner an unwillingness to execute

the supplemental contract, or if the owner or any of the persons with an interest in the land or a lien upon the land fail to execute the contract within 60 days from the time of submission of the contract to the owner for execution, all proceedings relating back to the withdrawal of the land from an auxiliary forest shall be at an end. When the supplemental contract is executed, it must be recorded in the office of the county recorder at the expense of the owner or, if the title to the land is registered, the supplemental contract must be recorded with the registrar of titles. At the time the contract is recorded with the county recorder, the owner, at the owner's expense, shall record with the county recorder a certificate from the county attorney to the effect that no change in record title to the land has occurred, that no liens or other encumbrances have been placed on the land, and that no taxes have accrued on the land since the making of the previous certificate. The county attorney must furnish this certificate without further compensation. Upon execution and recording of the supplemental contract, the land described in the supplemental contract shall cease that is to be withdrawn from the auxiliary forest ceases to be part of the auxiliary forest, and, together with the timber thereon, shall be the owner is liable to taxes and assessments of the withdrawn portion together with the timber on the withdrawn portion in like manner as upon cancellation of an auxiliary forest contract.

Sec. 35. Minnesota Statutes 2014, section 88.49, subdivision 11, is amended to read:

Subd. 11. **Auxiliary forests; transfer of title; procedure on division.** The title to the land in an auxiliary forest or any part thereof of an auxiliary forest is subject to transfer in the same manner as the title to other real estate, subject to the auxiliary forest contract therefor and to applicable provisions of law. In case If the ownership of ~~such a~~ an auxiliary forest is divided into two or more parts by any transfer or transfers of title and the owners of all ~~such~~ the parts desire to have the ~~same~~ parts made separate auxiliary forests, ~~they~~ the owners may join in a verified application therefor to the county board of the county in which the forest is situated in a form prescribed by the commissioner of natural resources. If the county board determines that each of the parts into which the forest has been divided is suitable and sufficient for a separate auxiliary forest as provided by law, it may, ~~in its discretion,~~ grant the application, subject to the approval of the commissioner. Upon ~~such~~ approval, the commissioner shall prepare a new auxiliary forest contract for each part transferred, with like provisions and for the remainder of the same term as the prior contract in force for the entire forest at the time of the transfer, and shall also prepare a modification of ~~such~~ the prior contract, eliminating therefrom the part or parts of the land transferred but otherwise leaving the remaining land subject to all the provisions of ~~such~~ the contract. The new contract or contracts and modification of the prior contract ~~shall~~ must be executed and otherwise dealt with in like manner as provided for ~~an original~~ a supplemental auxiliary forest contract in subdivision 9, but no such instrument ~~shall~~ must take effect until all of them, ~~covering together all parts of the forest existing before the transfer,~~ have been executed, filed, and recorded or registered, ~~as the case may require.~~ Upon the taking effect of When all ~~such~~ the instruments take effect, the owner of the forest prior to the transfer ~~shall be~~ is divested of all rights and relieved from all liabilities under the contract then in force with respect to the parts transferred except ~~such~~ those as may have existed or accrued at the time of the taking effect of such instruments, and thereafter the several tracts into which the forest has been divided and the respective owners thereof ~~shall be~~ are subject to the new contract or contracts or the modified prior contract relating thereto, as the ~~case~~ may be, as provided for an original auxiliary forest contract. The provisions of this subdivision shall not supersede or affect the application of any other provision of law to any auxiliary forest which is divided by transfer of title unless the procedure herein authorized is fully consummated.

Sec. 36. Minnesota Statutes 2014, section 88.491, subdivision 2, is amended to read:

Subd. 2. **Effect of expired contract.** When auxiliary forest contracts expire, or prior to expiration by mutual agreement between the ~~land owner~~ landowner and the appropriate county office, the lands previously covered by an auxiliary forest contract automatically qualify for inclusion under the provisions of the Sustainable Forest Incentive Act; provided that when such lands are included in the Sustainable Forest Incentive Act prior to expiration of the auxiliary forest contract, they will be transferred and a tax paid as provided in section 88.49, subdivision 5, upon application and inclusion in the sustainable forest incentive program. The ~~land owner~~ landowner shall pay taxes in an amount equal to the difference between:

(1) the sum of:

(i) the amount which would have been paid from the date of the recording of the contract had the land under contract been subject to the Minnesota Tree Growth Tax Law; plus

(ii) beginning with taxes payable in 2003, the taxes that would have been paid if the land had been enrolled in the sustainable forest incentive program; and

(2) the amount actually paid under section 88.51, ~~subdivisions~~ subdivision 1, and Minnesota Statutes 2014, section 88.51, subdivision 2.

Sec. 37. Minnesota Statutes 2014, section 88.50, is amended to read:

#### **88.50 TAXATION.**

Every auxiliary forest in this state ~~shall~~ must be taxed ~~in the manner and to the extent hereinafter provided~~ according to sections 88.49 to 88.53 and not otherwise. Except as expressly permitted by sections ~~88.47~~ 88.49 to 88.53, no auxiliary forest shall be taxed for, or ~~in any manner~~, directly or indirectly made to contribute to, or become liable for the payment of, any tax or assessment, general or special, or any bond, certificate of indebtedness, or other public obligation of any name or kind, made, issued, or created subsequent to the filing of the contract creating the auxiliary forest, provided that temporary buildings, structures, or other fixtures of ~~whatsoever kind~~ located upon land within an auxiliary forest shall be valued and assessed as personal property and classified as class 3 under the general system of ad valorem taxation. In any proceeding for the making of a special improvement under the laws of this state by which any auxiliary forest will be benefited, the owner ~~thereof~~ may subject the lands ~~therein~~ to assessment ~~therefor~~ in the manner provided by law, by filing the owner's written consent in writing to the ~~making of the~~ assessment in the tribunal in which the proceeding is pending, ~~whereupon~~. The lands shall for the purposes of the improvement and assessment not be treated as lands ~~not~~ in an auxiliary forest; but the lien of any assessment ~~so~~ levied on lands in any auxiliary forest shall be is subject to the provisions of the contract creating the auxiliary forest and subordinate to the lien of any tax imposed under the provisions of sections ~~88.47~~ 88.49 to 88.53.

Sec. 38. Minnesota Statutes 2014, section 88.51, subdivision 1, is amended to read:

Subdivision 1. **Annual tax, ten cents per acre.** (a) From and after the filing of the contract creating any tract of land an auxiliary forest under sections ~~88.47~~ 88.49 to 88.53 and hereafter upon any tract heretofore created as an auxiliary forest, the surface of the land ~~therein~~, exclusive of mineral or anything of value thereunder, ~~shall~~ must be taxed annually at the rate of 10 cents per acre. This tax ~~shall~~ must be levied and collected, and the payment ~~thereof~~ of the tax, with penalties and interest,

enforced in the same manner as other taxes on real estate, and ~~shall~~ must be credited to the funds of the taxing districts affected in the proportion of their interest in the taxes on this land if it had not been so made an auxiliary forest; provided, that such tax ~~shall be~~ is due in full on or before May 31, after the levy thereof. Failure to pay when due any tax so levied ~~shall be~~ is cause for cancellation of the contract.

(b) The levy upon the land of the taxes provided for by section 88.49, subdivision 5, upon the cancellation of a contract, ~~shall discharge and annul~~ discharges and annuls all unpaid taxes levied or assessed ~~thereon~~ on the land.

Sec. 39. Minnesota Statutes 2014, section 88.51, subdivision 3, is amended to read:

Subd. 3. **Determination of estimated market value.** In determining the net tax capacity of property within any taxing district, the value of the surface of lands within any auxiliary forest ~~therein~~ in the taxing district, as determined by the county board ~~under the provisions of section 88.48, subdivision 3~~, shall, for all purposes except the levying of taxes on lands within any such forest, be deemed the estimated market value ~~thereof~~ of those surface lands.

Sec. 40. Minnesota Statutes 2014, section 88.52, subdivision 2, is amended to read:

Subd. 2. **Examination, report.** When any timber growing or standing in any auxiliary forest ~~shall have become~~ is suitable for merchantable forest products, the commissioner shall, at the written request of the owner, a copy of which shall at the time be filed in the office of the county auditor, make an examination of the timber and designate for the owner the kind and number of trees most suitable to be cut if in the judgment of the commissioner ~~there be any, and~~. The cutting and removal of ~~these designated trees so designated~~ shall ~~must~~ be in accordance with the instructions of the commissioner. The commissioner shall inspect the cutting or removal and determine whether it or the manner of its performance constitute a violation of the terms of the contract creating the auxiliary forest or of the laws applicable ~~thereto~~ laws, or of the instructions of the commissioner relative to the cutting and removal. Any such violation ~~shall be~~ is ground for cancellation of the contract by the commissioner; otherwise the contract ~~shall continue~~ continues in force for the remainder of the period ~~therein~~ stated in the contract, regardless of the cutting and removal. Within 90 days after the completion of any cutting or removal operation, the commissioner shall make a report of findings ~~thereon~~ and transmit copies of ~~such~~ the report to the county auditor and the surveyor general.

Sec. 41. Minnesota Statutes 2014, section 88.52, subdivision 3, is amended to read:

Subd. 3. **Kinds, permit, scale report, assessment and payment of tax.** (a) Upon ~~the~~ filing of the owner's written request of the owner ~~as provided in subdivision 2~~, the director of ~~lands and~~ forestry, with the county board or the county land commissioner, shall determine within 30 days the kinds, quantities, and value on the stump of the timber proposed to be cut.

Before the cutting is to begin, the director of ~~lands and~~ forestry shall file with the county auditor a report showing the kinds, quantities, and value of the timber proposed to be cut or removed and approved by the director of ~~lands and~~ forestry for cutting within two years after the date of approval of the report by the director of ~~lands and~~ forestry. The county auditor shall assess and levy the estimated yield tax thereon, make proper record of this assessment and levy in the auditor's office, and notify the owner of the auxiliary forest of the tax amount ~~thereof~~. The owner shall, before any timber in the forest is cut or removed, give a bond payable to the state of Minnesota, or ~~in lieu thereof~~, a deposit in cash with the county treasurer, in the amount required by the report, ~~which shall be~~ and not less than 150 percent of the amount of the levy, conditioned for the payment of

all taxes on the timber to be cut or removed. Upon receipt of notification from the county auditor that the bond or cash requirement has been deposited, the director of ~~lands and~~ forestry will issue a cutting permit in accordance with the report. The owner shall keep an accurate count or scale of all timber cut. On or before ~~the fifteenth day of April 15~~ following issuance of ~~such the~~ cutting permit, and on or before ~~the fifteenth day of April 15~~ of each succeeding year in which any merchantable wood products were cut on auxiliary forest lands prior to the termination of ~~such the~~ permit, the owner of the timber covered by the permit shall file with the director of ~~lands and~~ forestry a sworn statement, submitted in duplicate; on a form prepared by the director of ~~lands and~~ forestry, one copy of which ~~shall~~ must be transmitted to the county auditor, specifying the quantity and value of each variety of timber and kind of product cut during the preceding year ending on March 31, as shown by the scale or measurement ~~thereof~~ made on the ground as cut, skidded, or loaded as the case may be. If no such scale or measurement ~~shall have been~~ was made on the ground, an estimate ~~thereof shall~~ must be made and ~~such estimate~~ corrected by the first scale or measurement; made in the due course of business; ~~and such.~~ The correction must at once be filed with the director of ~~lands and~~ forestry who shall immediately transmit it to the county auditor. On or before ~~the fifteenth day of May 15~~ following the filing of the sworn statement covering the quantity and value of timber cut under an authorized permit, the auditor shall assess and levy a yield (severance) tax, according to Minnesota Statutes 2014, section 88.51, subdivision 2, of the timber cut during the year ending on ~~the March 31st~~ 31 preceding the date of assessing and levying this tax. This tax is payable and must be paid to the county treasurer on or before ~~the following May 31 next following.~~ Copies of the yield (severance) tax assessment and of the yield (severance) tax payment ~~shall~~ must be filed with the director of ~~lands and~~ forestry and the county auditor. Except as otherwise provided, all yield (severance) taxes herein provided for ~~shall~~ must be levied and collected, and payment ~~thereof~~, with penalties and interest, enforced in the same manner as taxes imposed under ~~the provisions of section 88.51, subdivision 1, and shall~~ must be credited to the funds of the taxing districts affected in the proportion of their interests in the taxes on the land producing the yield (severance) tax. ~~At any time~~ On deeming it necessary, the director of ~~lands and~~ forestry may order an inspection of any or all cutting areas within an auxiliary forest and ~~also~~ may require the owner of the auxiliary forest to produce for inspection by the director of ~~lands and~~ forestry of any or all cutting records pertaining to timber cutting operations within an auxiliary forest for the purpose of determining the accuracy of scale or measurement reports, and if intentional error in scale or measurement reports is found to exist, shall levy and assess a tax triple the yield (severance) tax on the stumpage value of the timber cut in excess of the quantity and value reported.

(b) The following alternative method of assessing and paying annually the yield tax on an auxiliary forest is to be available to an auxiliary forest owner upon application and upon approval of the county board of the county within which the auxiliary forest is located.

For auxiliary forests entered under this ~~subdivision~~ paragraph, the county auditor shall assess and levy the yield tax by multiplying the acreage of each legal description included within the auxiliary forest by the acre quantity of the annual growth by species, calculated in cords, or in thousands of feet board measure Minnesota standard log scale rule, whichever is more reasonably usable, for the major species found in each type by the from year-to-year appraised stumpage prices for each of these species, used by the Division of ~~Lands and~~ Forestry, Department of Natural Resources, in selling trust fund timber located within the district in which the auxiliary forest is located. The assessed value of the annual growth of the auxiliary forest, thus determined, ~~shall be~~ is subject to a ten percent of stumpage value yield tax, payable annually on or before May 31. In all other respects

the assessment, levying and collection of the yield tax, as provided for in this subdivision ~~shall~~ must follow the procedures specified in ~~clause paragraph~~ (a).

Forest owners operating under this ~~subdivision shall be~~ paragraph are subject to all other provisions of the auxiliary forest law except ~~such the~~ provisions of ~~clause paragraph~~ (a) ~~as that~~ are in conflict with this ~~subdivision paragraph~~. Penalties for intentional failure by the owner to report properly the quantity and value of the annual growth upon an auxiliary forest entered under this ~~subdivision paragraph~~ and for failure to pay the yield tax when due ~~shall be~~ are the same as the penalties specified in other subdivisions of this law for like failure to abide by its provisions.

To qualify for the assessment and levying of the yield tax by this method, the owner of the forest requesting this method of taxation must submit a map or maps and a tabulation in acres and in quantity of growth by legal descriptions showing the division of the area covered by the auxiliary forest for which this method of taxation is requested into the following forest types, namely: white and ~~Norway~~ red pine; jack pine; aspen-birch; spruce-balsam fir; ~~swamp~~ black spruce; tamarack; cedar; upland hardwoods; lowland hardwoods; upland brush and grass (temporarily nonproductive); lowland brush (temporarily nonproductive); and permanently nonproductive (open bogs, stagnant swamps, rock outcrops, flowage, etc.). Definition of these types and determination of the average rate or rates of growth (in cords or thousand feet, board measure, Minnesota standard log scale rule, ~~which ever~~ whichever is more logically applicable for each of them) ~~shall~~ must be made by the director of the ~~Division of Lands and Forestry~~, Minnesota Department of Natural Resources, with the advice and assistance of the land commissioner of the county in which the auxiliary forest is located; the director of the United States Forest Service's North Central Forest Experiment Station; and the director of the School of Forestry, University of Minnesota. Before the approval of the application of the owner of an auxiliary forest to have the auxiliary ~~or proposed auxiliary~~ forest taxed under provisions of this ~~subdivision paragraph~~ is submitted to the county board, the distribution between types of the area as shown on the maps and in the tabulations submitted by the owner of the auxiliary ~~or proposed auxiliary~~ forest ~~shall~~ must be examined and their accuracy determined by the director of the ~~Division of Lands and Forestry~~, Department of Natural Resources, with the assistance of the county board of the county in which the auxiliary forest is located.

During the life of the auxiliary forest, contract timber cutting operations within the various types shown upon the type map accepted as a part of the approved auxiliary forest application ~~shall do~~ do not bring about a reclassification of the forest types shown upon that map or those maps until after the passage of ten years following the termination of ~~said~~ the timber cutting operations and then only upon proof of a change in type.

Sec. 42. Minnesota Statutes 2014, section 88.52, subdivision 4, is amended to read:

Subd. 4. **Hearing, procedure.** The owner of any land or timber upon which a yield tax is assessed and levied as provided in this section may, within 15 days after mailing of notice of the amount of the tax, file with the county auditor a demand for hearing ~~thereon~~ on the tax before the county board. The county auditor shall thereupon fix a date of hearing, which ~~shall~~ must be held within 30 days after the filing of the demand, and mail to the owner notice of the time and place of the hearing. The owner may appear at the meeting and present evidence and argument as to the amount of the tax and as to any related matter relating thereto. The county board shall ~~thereupon~~ determine whether the tax as levied is proper in amount and make its order ~~thereon~~. The county auditor shall ~~forthwith~~ mail to the owner a notice of the order. If the amount of the tax is increased or reduced by the order,

the county auditor shall make a supplemental assessment and levy thereof, as in this subdivision provided.

Sec. 43. Minnesota Statutes 2014, section 88.52, subdivision 5, is amended to read:

Subd. 5. **Yield tax, a prior lien.** Throughout the life of any ~~such~~ auxiliary forest, the ~~yield tax~~ accruing ~~thereon shall constitute and be~~ yield tax constitutes and is a first and prior lien upon all the merchantable timber and forest products growing or grown thereon; and, if not paid when due, this yield tax, together with penalties and interest ~~thereon~~ as otherwise provided by law and all expenses of collecting same, ~~shall continue~~ continues to be a lien upon the timber and forest products ~~and every part and parcel thereof wherever the same may be or~~ however much changed in form or otherwise improved until the yield tax is fully paid. ~~Such~~ The lien may be foreclosed and the property subject ~~thereto~~ to the lien dealt with by action in the name of the state, brought by the county attorney at the request of the county auditor.

Sec. 44. Minnesota Statutes 2014, section 88.52, subdivision 6, is amended to read:

Subd. 6. **Timber held exempt from yield tax.** Timber cut from an auxiliary forest by an owner and used by the owner for fuel, fencing, or building on land occupied by the owner which is within or contiguous to the auxiliary forest where cut ~~shall be~~ is exempt from the yield tax, and, as to timber so cut and used, the requirements of subdivisions 1 and 2 ~~shall do not be applicable and in lieu thereof apply.~~ The owner shall, prior to cutting, file with the county auditor, on a form prepared by the commissioner, a statement showing the quantity of each kind of forest products proposed to be cut and the purposes for which the ~~same~~ the products will be used.

Sec. 45. Minnesota Statutes 2014, section 88.523, is amended to read:

#### **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL AGREEMENTS.**

Upon application of the owner, any auxiliary forest contract ~~heretofore or hereafter executed~~ may be made subject to any provisions of law enacted subsequent to the execution of the contract and in force at the time of application, so far as not already applicable, with the approval of the county board and the commissioner of natural resources. ~~As evidence thereof~~ A supplemental agreement in a form prescribed by the commissioner and approved by the attorney general ~~shall~~ must be executed by the commissioner in behalf of the state and by the owner. ~~Such~~ The supplemental agreement ~~shall~~ must be filed and recorded in like manner as the ~~original~~ supplemental contract under section 88.49, subdivision 9, and ~~shall thereupon take~~ takes effect upon filing and recording.

Sec. 46. Minnesota Statutes 2014, section 88.53, subdivision 1, is amended to read:

Subdivision 1. **Time for disposal.** ~~Any corporation, association, or organization may acquire and hold any amount of land without restriction and without limit as to acreage or quantity for the purpose of including same within and holding same as an auxiliary forest under the provisions of sections 88.47 to 88.53. When the same shall cease~~ land ceases to be an auxiliary forest, the owners shall have five years within which to dispose of the land, any provisions of general law to the contrary notwithstanding.

Sec. 47. Minnesota Statutes 2014, section 88.53, subdivision 2, is amended to read:

Subd. 2. **Rules.** The director shall make rules and adopt and prescribe such forms and procedure as ~~shall be~~ is necessary in carrying out the provisions of sections ~~88.47-88.49~~ 88.47 to 88.53; and the director and every county board, county recorder, registrar of titles, assessor, tax collector, and

every other person in official authority having any duties to perform under or growing out of sections ~~88.47~~ 88.49 to 88.53 are hereby severally vested with full power and authority to enforce such rules, employ help and assistance, acquire and use equipment and supplies, or do any other act or thing reasonably necessary to the proper performance of duties under or arising from the administration and enforcement of sections ~~88.47~~ 88.49 to 88.53. ~~It shall be the duty of The director to~~ must cause periodic inspections to be made of all auxiliary forests for the purpose of determining whether relative contract and statutory provisions ~~relative thereto~~ are being complied with.

Sec. 48. Minnesota Statutes 2014, section 103G.271, subdivision 5, is amended to read:

**Subd. 5. Prohibition on once-through water use permits.** (a) Except as provided in paragraph (c), the commissioner may not issue a water use permit to increase the volume of appropriation from a groundwater source for a once-through cooling system.

(b) Except as provided in paragraph (c), once-through system water use permits using in excess of 5,000,000 gallons annually must be terminated by the commissioner, unless the discharge is into a public water basin within a nature preserve approved by the commissioner and established prior to January 1, 2001. The commissioner may issue a permit for a system in existence prior to January 1, 2015, for up to 5,000,000 gallons annually. Existing once-through systems must not be expanded and are required to convert to water efficient alternatives within the design life of existing equipment.

(c) Notwithstanding paragraphs (a) and (b), the commissioner, with the approval of the commissioners of health and the Pollution Control Agency, may issue once-through system water use permits on an annual basis for groundwater thermal exchange devices or aquifer storage and recovery systems that return all once-through system water to the source aquifer. Water use permit processing fees in subdivision 6, paragraph (a), apply to all water withdrawals under this paragraph, including any reuse of water returned to the source aquifer.

Sec. 49. Minnesota Statutes 2014, section 103G.271, subdivision 6a, is amended to read:

**Subd. 6a. Payment of fees for past unpermitted appropriations.** An entity that appropriates water without a required permit under subdivision 1 must pay the applicable water use permit processing fee specified in subdivision 6 for the period during which the unpermitted appropriation occurred. The fees for unpermitted appropriations are required for the previous seven calendar years after being notified of the need for a permit. This fee is in addition to any other fee or penalty assessed. The commissioner may waive payment of fees for past unpermitted appropriations for a residential system permitted under subdivision 5, paragraph (b)."

Page 7, after line 5, insert:

"Sec. 55. Minnesota Statutes 2014, section 282.011, subdivision 3, is amended to read:

**Subd. 3. Title examination.** The commissioner of revenue shall, if requested by the purchaser or the county attorney of the county where all or a portion of the land is situated, deliver the deed to the county attorney for use under Minnesota Statutes 2014, section 88.48, subdivision 5, but such delivery shall not be considered delivery to the purchaser. The county attorney shall be instructed when taking the transferral of the deed that said deed shall not be delivered to the purchaser unless the land involved is accepted as and placed into an auxiliary forest."

Page 9, after line 23, insert:

"Sec. 62. EFFECTIVE RECYCLING EFFORTS REQUIREMENT.

Subdivision 1. **Requirements.** The Department of Administration shall partner with the legislature to implement effective methods for increasing recycling rates and reducing waste generated at buildings housing a state agency or the legislature.

Subd. 2. **Methods for increasing recycling.** Effective methods for increasing recycling rates and reducing the amount of waste generated by state and legislative operations must include, but are not limited to, the following:

- (1) colocation of recycling containers with each trash container;
- (2) maintenance staff collection of recycling from every location from which they collect trash;  
and
- (3) establish policies requiring employees to recycle and handle waste responsibly.

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

Sec. 63. **LAKE VERMILION-SOUDAN UNDERGROUND MINE STATE PARK.**

**[85.012] [Subd. 38a.] Lake Vermilion-Soudan Underground Mine State Park, St. Louis County.**

The Lake Vermilion-Soudan Underground Mine State Park mine tour operation is exempt from Minnesota Statutes, sections 326B.163 to 326B.191. The federal mine code for hoists that lift people under 30 CFR Part 57 Subpart R, applies to the Lake Vermilion-Soudan Underground Mine State Park hoist. The commissioner shall employ a hoist safety expert to conduct an annual inspection of the hoist system at the Lake Vermilion-Soudan Underground Mine State Park.

Sec. 64. **RULEMAKING; WATER SURFACE USE RESTRICTIONS.**

(a) The commissioner of natural resources shall amend Minnesota Rules, part 6110.3700, subpart 9, to allow a longer period of temporary special controls in situations of local emergency by deleting "five" and inserting "30" and deleting "five-day" and inserting "30-day."

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

Sec. 65. **RULEMAKING; PERSONAL FLOTATION DEVICES.**

(a) To conform with changes in federal regulation, the commissioner of natural resources shall amend Minnesota Rules, part 6110.1200, subpart 3, as follows:

- (1) delete the term "Type I, II, or III" and insert "wearable";
- (2) delete the term "Type IV" and insert "throwable";
- (3) delete items B and D and reletter the remaining items; and
- (4) insert a new item that reads:

"C. All personal flotation devices required by this subpart must be:

- (1) approved by the U.S. Coast Guard;

(2) legibly marked with any requirements and the approval number issued by the U.S. Coast Guard;

(3) in serviceable condition free of tears, rot, punctures, or waterlogging, and with all straps and fasteners present and in good condition;

(4) of the appropriate size for the intended wearer, if the device is designed to be worn, and in compliance with any requirements listed on the U.S. Coast Guard approval label;

(5) for wearable devices, either readily accessible or worn, except when:

(a) devices are required to be worn to be accepted as U.S. Coast Guard-approved; or

(b) wearing a U.S. Coast Guard-approved wearable personal flotation device is mandatory; and

(6) for throwable devices, immediately available.

"Readily accessible" means easily retrievable within a reasonable amount of time in an emergency. "Immediately available" means easily reached in time of emergency. Personal flotation devices located in locked containers, under heavy objects, or left in shipping bags are not considered readily accessible or immediately available."

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

Sec. 66. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall delete the range reference "88.47 to 88.53" wherever it appears in Minnesota Statutes and Minnesota Rules and insert "88.49 to 88.53."

Sec. 67. **REPEALER.**

Minnesota Statutes 2014, sections 88.47; 88.48; 88.49, subdivisions 1, 2, and 10; 88.491, subdivision 1; 88.51, subdivision 2; and 282.013, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Eaton moved to amend S.F. No. 1432 as follows:

Page 5, after line 18, insert:

"Sec. 5. Minnesota Statutes 2014, section 115A.1314, subdivision 1, is amended to read:

Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section 115A.1312 must, by September 1, 2007, and each year thereafter, pay to the commissioner of revenue an annual registration fee. The commissioner of revenue must deposit the fee in the state treasury and credit the fee to the environmental fund.

(b) The registration fee is equal to a base fee of \$2,500, plus a variable recycling fee calculated according to the formula:

$((A \times B) - (C + D)) \times E$ , where:

(1) A = the number of pounds of a manufacturer's video display devices sold to households during the previous program year, as reported to the department under section 115A.1316, subdivision 1;

(2) B = the proportion of sales of video display devices required to be recycled, set at 0.6 for the first program year and 0.8 for the second program year and every year thereafter;

(3) C = the number of pounds of covered electronic devices recycled by a manufacturer from households during the previous program year, as reported to the department under section 115A.1316, subdivision 1;

(4) D = the number of recycling credits a manufacturer elects to use to calculate the variable recycling fee, as reported to the department under section 115A.1316, subdivision 1; and

(5) E = the estimated per-pound cost of recycling, initially set at \$0.50 per pound for manufacturers who recycle less than 50 percent of the product (A x B); \$0.40 per pound for manufacturers who recycle at least 50 percent but less than 90 percent of the product (A x B); and \$0.30 per pound for manufacturers who recycle at least 90 percent but less than 100 percent of the product (A x B).

(c) If, as specified in paragraph (b), the term  $C - (A \times B)$  equals a positive number of pounds, that amount is defined as the manufacturer's recycling credits. A manufacturer may retain recycling credits to be added, in whole or in part, to the actual value of C, as reported under section 115A.1316, subdivision 2, during any succeeding program year, provided that no more than 25 percent of a manufacturer's obligation (A x B) for any program year may be met with recycling credits generated in a prior program year. A manufacturer may sell any portion or all of its recycling credits to another manufacturer, at a price negotiated by the parties, who may use the credits in the same manner.

(d) For the purpose of calculating a manufacturer's variable recycling fee under paragraph (b), the weight of covered electronic devices collected from households located outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (c), is calculated at 1.5 times their actual weight.

(e) The registration fee for the initial program year and the base registration fee thereafter for a manufacturer who produces fewer than 100 video display devices for sale annually to households is \$1,250.

(f) For the ninth program year, the agency shall publish a statewide recycling goal of 16,000,000 pounds.

(g) For the ninth program year, the agency shall determine each registered manufacturer's market share of video display devices to be collected and recycled based on the manufacturer's percentage share of the total weight of video display devices sold as reported to the department for the eighth program year as reported to the agency by July 15, 2015. By July 30, 2015, the agency shall provide each manufacturer with a determination of its share of video display devices to be collected and recycled, which is the quotient of the total weight of the manufacturer's video display devices sold to households in the eighth program year, divided by the total weight of all manufacturers' video display devices sold to households in this state based on reporting to the department for the eighth program year, then applied proportionally to the statewide recycling goal of 16,000,000 pounds as specified in section 115A.1320, paragraph (f).

(h) If a manufacturer's proportion of sales of video display devices as determined in section 115A.1314, paragraph (b), clause (1), by weight is higher than the obligation determined by the agency in paragraph (g), then the higher number is the obligation for program year eight.

(i) For the ninth program year, a manufacturer that did not report sales data to the department for the eighth or ninth program years shall be subject to a recycling obligation that is equal to 80 percent by weight of the manufacturer's video display devices sold to households."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Osmek moved to amend S.F. No. 1432 as follows:

Page 9, after line 23, insert:

"Sec. 13. **DIGITAL REPAIR STAKEHOLDER GROUP.**

The commissioner of the Pollution Control Agency may convene a stakeholder group to develop recommendations for the establishment of fair repair requirements for the reuse of computers and other electronic devices. Stakeholders shall include representatives of recyclers, consumers, environmental organizations, manufacturers, and other interested stakeholders. The initial stakeholder group may be convened by September 15, 2015."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Pederson, J. moved to amend S.F. No. 1432 as follows:

Page 7, after line 5, insert:

"Sec. 7. Minnesota Statutes 2014, section 116.07, subdivision 4j, is amended to read:

Subd. 4j. **Permits; solid waste facilities.** (a) The agency may not issue a permit for new or additional capacity for a mixed municipal solid waste resource recovery or disposal facility as defined in section 115A.03 unless each county using or projected in the permit to use the facility has in place a solid waste management plan approved under section 115A.46 or 473.803 and amended as required by section 115A.96, subdivision 6. The agency shall issue the permit only if the capacity of the facility is consistent with the needs for resource recovery or disposal capacity identified in the approved plan or plans. Consistency must be determined by the Pollution Control Agency. Plans approved before January 1, 1990, need not be revised if the capacity sought in the permit is consistent with the approved plan or plans.

(b) The agency shall require as part of the permit application for a waste incineration facility identification of preliminary plans for ash management and ash leachate treatment or ash utilization. The permit issued by the agency must include requirements for ash management and ash leachate treatment.

(c) Within 180 days of receipt of a completed application, the agency shall approve, disapprove, or delay decision on the application, with reasons for the delay, in writing.

(d) The agency may not issue a permit for a new disposal facility, as defined in section 115A.03, subdivision 10, or a permit to expand an existing disposal facility unless:

(1) all local units of government in which the facility is to be sited and exercising their respective land use and zoning authority pursuant to chapter 366, 494, or 462 have granted approval for the new or expanded facility prior to the issuance of the permit;

(2) all local units of government in which the facility is to be sited and exercising their respective land use and zoning authority pursuant to chapter 366, 494, or 462 have authorized the permit to be issued prior to or concurrent with the required approval by the local unit of government; or

(3) the new or expanded facility is part of and will be sited on land already identified in an approved solid waste management plan as described in paragraph (a).

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

Senator Marty imposed a call of the Senate for the balance of the proceedings on S.F. No. 1432. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Pederson, J. amendment. The motion did not prevail. So the amendment was not adopted.

S.F. No. 1432 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 55 and nays 9, as follows:

Those who voted in the affirmative were:

Benson	Fischbach	Kent	Osmek	Sheran
Bonoff	Franzen	Koenen	Pappas	Sieben
Carlson	Gazelka	Latz	Pederson, J.	Skoe
Champion	Goodwin	Limmer	Pratt	Sparks
Clausen	Hawj	Lourey	Reinert	Stumpf
Dahle	Hayden	Marty	Rest	Tomassoni
Dahms	Hoffman	Metzen	Rosen	Torres Ray
Dibble	Housley	Miller	Ruud	Weber
Dziedzic	Ingebrigtsen	Nelson	Saxhaug	Westrom
Eaton	Jensen	Newman	Scalze	Wiger
Eken	Johnson	Nienow	Schmit	Wiklund

Those who voted in the negative were:

Anderson	Chamberlain	Hann	Ortman	Thompson
Brown	Hall	Kiffmeyer	Petersen, B.	

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

**SPECIAL ORDER**

**S.F. No. 1398:** A bill for an act relating to retirement; modifying actuarial assumptions; modifying postretirement adjustment triggers; modifying contribution stabilizers; amending police and firefighter retirement state supplemental aid; creating a monthly benefit division of the statewide volunteer firefighter retirement plan; adopting recommendations of the volunteer firefighter relief association working group; modifying local firefighter relief associations; making small group retirement changes; making administrative changes to the Minnesota State Retirement System, Teachers Retirement Association, and Public Employees Retirement Association; making technical and conforming changes; merging the Minneapolis Employees Retirement Fund Division into PERA-General; requiring a state financial contribution to fund the merger; permanently extending supplemental fire state aid to volunteer firefighter relief associations; amending Minnesota Statutes 2014, sections 3A.03, subdivision 2; 11A.17, subdivision 2; 69.051, subdivision 1a; 69.80; 256D.21; 352.01, subdivisions 2a, 11, 13a, 15; 352.017, subdivision 2; 352.021, subdivisions 1, 3, 4; 352.029, subdivision 2; 352.04, subdivisions 8, 9; 352.045; 352.22, subdivisions 8, 10; 352.23; 352.27; 352.75, subdivision 2; 352.87, subdivision 8; 352.91, subdivision 3e; 352.955, subdivision 3; 352B.011, subdivision 3; 352B.013, subdivision 2; 352B.07; 352B.085; 352B.086; 352B.10, subdivision 5; 352B.105; 352B.11, subdivision 4; 352B.25; 352D.02, subdivision 1; 352D.05, subdivision 4; 352D.11, subdivision 2; 352D.12; 353.01, subdivisions 2a, 2b, 6, 10, 11a, 16, 17, 28, 36, 48; 353.0161, subdivision 2, by adding a subdivision; 353.0162; 353.017, subdivision 2; 353.03, subdivision 3; 353.031, subdivisions 5, 10; 353.05; 353.06; 353.27, subdivisions 1, 3b, 7a, 10, 12, 12a, by adding a subdivision; 353.28, subdivision 5; 353.29, subdivision 7; 353.33, subdivisions 6, 13; 353.34, subdivision 1; 353.35, subdivision 1; 353.37, subdivision 1; 353.46, subdivisions 2, 6; 353.50, subdivisions 6, 8; 353.505; 353.64, subdivisions 7a, 8, 9, 10; 353.656, subdivisions 1a, 1b, 2, 4, 5a; 353D.03, subdivision 3; 353D.071, subdivision 2; 353E.06, subdivisions 5, 6; 353F.01; 353F.02, subdivisions 3, 5a; 353F.04, subdivision 2; 353F.051, subdivisions 1, 2, 3; 353G.01, subdivisions 6, 7, 11, 12, by adding subdivisions; 353G.02; 353G.03; 353G.04; 353G.05; 353G.06; 353G.07; 353G.08; 353G.09; 353G.10; 353G.11; 353G.115; 353G.12, subdivision 2, by adding a subdivision; 353G.13; 353G.14; 353G.15; 353G.16; 354.05, subdivisions 10, 13, 25; 354.07, subdivision 5; 354.092, subdivision 4; 354.42, subdivisions 1a, 4b, 4d; 354.44, subdivisions 8, 9; 354.445; 354.45, subdivision 1a; 354.48, subdivision 3; 354.51, subdivisions 1, 5; 354.52, subdivision 4c; 354.55, subdivision 10; 354.72, subdivision 2; 354A.011, subdivision 6; 354A.092; 354A.093, subdivision 6; 354A.096; 354A.108; 354A.12, subdivision 3c; 354A.29, subdivisions 7, 8, 9; 354A.31, subdivision 7; 354A.38, subdivision 3; 355.01, subdivision 3j; 355.07; 356.195, subdivision 2; 356.214, subdivision 1; 356.215, subdivisions 1, 8, 11, 18; 356.245; 356.30, subdivision 3; 356.302, subdivision 7; 356.303, subdivision 4; 356.32, subdivisions 1, 2; 356.40; 356.401, subdivision 3; 356.407, subdivisions 1, 2; 356.415, subdivisions 1, 1a, 1b, 1c, 1d, 1e, 1f, 2; 356.431; 356.44; 356.461, subdivision 2; 356.465, subdivision 3; 356.50, subdivision 2; 356.551, subdivision 2; 356.62; 356.635, subdivision 9, by adding a subdivision; 356B.10, subdivisions 2, 3, 4, 5, 6, 7; 423A.02, subdivision 1b; 423A.022, subdivision 5; 424A.001, subdivision 10, by adding a subdivision; 424A.002, subdivision 1; 424A.016, subdivision 4; 424A.02, subdivisions 3, 3a, 9a; 424A.05, subdivisions 2, 3; 424A.092, subdivisions 3, 6; 424A.093, subdivisions 5, 6; 480.181, subdivision 2; 490.121, subdivision 4; 490.1211; 490.124, subdivision 12; proposing coding for new law in Minnesota Statutes, chapter 353G; repealing Minnesota Statutes 2014, sections 352.271; 352.75, subdivisions 1, 3, 4, 5, 6; 352.76; 352.91, subdivisions 3a, 3b; 352B.29; 353.01, subdivision 49; 353.025; 353.27, subdivision 1a; 353.50, subdivisions 1, 2, 3, 4, 5, 7, 9, 10; 353.83; 353.84; 353.85; 353D.03, subdivision 4; 354.146, subdivisions 1, 3; 354.33, subdivisions

5, 6; 354.39; 354.55, subdivisions 13, 16, 19; 354.58; 354.71; 354A.35, subdivision 2a; 354A.42; 356.405; 356.49, subdivision 2; 424A.03, subdivision 3.

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 53 and nays 11, as follows:

Those who voted in the affirmative were:

Bonoff	Fischbach	Johnson	Petersen, B.	Sparks
Carlson	Franzen	Kent	Reinert	Stumpf
Chamberlain	Gazelka	Kiffmeyer	Rest	Thompson
Champion	Goodwin	Koenen	Rosen	Tomassoni
Clausen	Hall	Latz	Saxhaug	Torres Ray
Dahle	Hawj	Marty	Scalze	Weber
Dahms	Hayden	Metzen	Schmit	Westrom
Dibble	Hoffman	Miller	Senjem	Wiger
Dziedzic	Housley	Nelson	Sheran	Wiklund
Eaton	Ingebrigtsen	Pappas	Sieben	
Eken	Jensen	Pederson, J.	Skoe	

Those who voted in the negative were:

Anderson	Hann	Nienow	Pratt
Benson	Limmer	Ortman	Ruud
Brown	Newman	Osmek	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 417:** A bill for an act relating to local government; authorizing three-year terms for members of the Houston County Economic Development Authority.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Eken	Johnson	Osmek	Skoe
Benson	Fischbach	Kent	Pappas	Sparks
Bonoff	Franzen	Kiffmeyer	Petersen, B.	Stumpf
Brown	Gazelka	Koenen	Pratt	Thompson
Carlson	Goodwin	Latz	Rest	Tomassoni
Chamberlain	Hall	Limmer	Rosen	Torres Ray
Champion	Hann	Marty	Ruud	Weber
Clausen	Hawj	Metzen	Saxhaug	Westrom
Dahle	Hayden	Miller	Scalze	Wiger
Dahms	Hoffman	Nelson	Schmit	Wiklund
Dibble	Housley	Newman	Senjem	
Dziedzic	Ingebrigtsen	Nienow	Sheran	
Eaton	Jensen	Ortman	Sieben	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 698:** A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; modifying provisions for Legislative-Citizen Commission on Minnesota Resources; amending Minnesota Statutes 2014, sections 116P.05, subdivision 2; 116P.08, subdivisions 5, 6, 7; 116P.09, subdivisions 6, 8.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 19, as follows:

Those who voted in the affirmative were:

Bonoff	Eken	Jensen	Pappas	Skoe
Carlson	Fischbach	Johnson	Reinert	Sparks
Champion	Franzen	Kent	Rest	Stumpf
Clausen	Gazelka	Koenen	Ruud	Tomassoni
Dahle	Goodwin	Latz	Saxhaug	Torres Ray
Dahms	Hawj	Marty	Scalze	Westrom
Dibble	Hayden	Metzen	Schmit	Wiger
Dziedzic	Hoffman	Miller	Sheran	Wiklund
Eaton	Ingebrigtsen	Nelson	Sieben	

Those who voted in the negative were:

Anderson	Hall	Newman	Pederson, J.	Senjem
Benson	Housley	Nienow	Petersen, B.	Thompson
Brown	Kiffmeyer	Ortman	Pratt	Weber
Chamberlain	Limmer	Osmek	Rosen	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 1374:** A bill for an act relating to civil actions; providing for the survival or continuation of an action after the death or disability of a party; amending Minnesota Statutes 2014, section 573.01; proposing coding for new law in Minnesota Statutes, chapter 540; repealing Minnesota Statutes 2014, sections 540.12; 573.02, subdivision 2.

Senator Latz moved to amend S.F. No. 1374 as follows:

Page 1, line 8, delete "or noninjury"

Page 1, line 11, delete the colon and insert "commenced before the death or other disability of a party. Minnesota Rules of Civil Procedure, rule 3.01, applies to a determination of when an action is commenced."

Page 1, delete lines 12 and 13

Page 2, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2014, section 573.01, is amended to read:

**573.01 SURVIVAL OF CAUSES.**

A cause of action arising out of an injury to the person dies with the person of the party in whose favor it exists, except as provided in section sections 540.121 and 573.02. All other causes of action

by one against another, whether arising on contract or not, survive to the personal representatives of the former and against those of the latter."

Page 2, delete section 3

Amend the title accordingly

### CALL OF THE SENATE

Senator Latz imposed a call of the Senate for the balance of the proceedings on S.F. No. 1374. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Latz amendment. The motion prevailed. So the amendment was adopted.

Senator Jensen moved to amend S.F. No. 1374 as follows:

Page 1, line 17, delete "(a)"

Page 1, delete lines 19 to 22

Page 1, line 23, delete "characterized."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 34 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Hall	Limmer	Pederson, J.	Sparks
Benson	Hann	Metzen	Pratt	Stumpf
Bonoff	Housley	Miller	Rosen	Thompson
Brown	Ingebrigtsen	Nelson	Saxhaug	Tomassoni
Chamberlain	Jensen	Nienow	Scalze	Weber
Dahms	Johnson	Ortman	Schmit	Wiklund
Gazelka	Kiffmeyer	Osmek	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Hayden	Pappas	Skoe
Carlson	Eaton	Hoffman	Petersen, B.	Torres Ray
Champion	Eken	Kent	Reinert	Westrom
Clausen	Fischbach	Koener	Rest	Wiger
Cohen	Franzen	Latz	Ruud	
Dahle	Goodwin	Marty	Sheran	
Dibble	Hawj	Newman	Sieben	

The motion prevailed. So the amendment was adopted.

Senator Nelson moved that S.F. No. 1374 be re-referred to the Committee on Judiciary. The motion did not prevail.

S.F. No. 1374 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 53 and nays 13, as follows:

Those who voted in the affirmative were:

Bakk	Bonoff	Carlson	Champion	Clausen
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Cohen	Hawj	Limmer	Reinert	Skoe
Dahle	Hayden	Marty	Rest	Sparks
Dibble	Hoffman	Metzen	Rosen	Stumpf
Dziedzic	Housley	Miller	Ruud	Tomassoni
Eaton	Jensen	Nelson	Saxhaug	Torres Ray
Eken	Johnson	Newman	Scalze	Westrom
Fischbach	Kent	Pappas	Schmit	Wiger
Franzen	Kiffmeyer	Pederson, J.	Senjem	Wiklund
Gazelka	Koenen	Petersen, B.	Sheran	
Goodwin	Latz	Pratt	Sieben	

Those who voted in the negative were:

Anderson	Chamberlain	Hann	Ortman	Weber
Benson	Dahms	Ingebrigtsen	Osmek	
Brown	Hall	Nienow	Thompson	

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

### SPECIAL ORDER

**S.F. No. 455:** A bill for an act relating to elections; modifying various provisions related to election administration, including provisions related to school districts, voters, ballots, candidates, political party designation, military and overseas voting, and other election-related provisions; establishing the Elections Emergency Planning Task Force; enacting the Uniform Faithful Presidential Electors Act; amending voter registration procedures; restoring right to vote upon release from incarceration for a felony offense; providing for early voting; requiring use of actual address for redistricting purposes; making conforming changes; making technical changes; appropriating money; amending Minnesota Statutes 2014, sections 13.607, by adding a subdivision; 103C.311, subdivision 2; 123B.09, subdivision 1, by adding a subdivision; 200.02, subdivisions 7, 23, by adding subdivisions; 201.014, by adding a subdivision; 201.022, subdivision 1; 201.054, subdivisions 1, 2; 201.061, by adding a subdivision; 201.071, subdivision 1; 201.091, subdivision 4; 201.12, subdivisions 2, 3; 201.13, subdivision 3; 201.14; 201.157; 201.158; 201.161; 203B.001; 203B.01, subdivision 3, by adding a subdivision; 203B.03, subdivision 1; 203B.05, subdivision 1; 203B.07, subdivision 1; 203B.08, subdivisions 1, 3; 203B.081; 203B.085; 203B.121, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 203B.16, subdivisions 1, 2; 203B.17, subdivisions 1, 2; 204B.06, subdivision 1b; 204B.07, subdivision 2; 204B.145; 204B.19, subdivision 6; 204B.28, subdivision 2; 204B.36, subdivisions 1, 2, 3, 4; 204B.45, subdivisions 1, 2; 204C.04, subdivision 2; 204C.08, subdivision 1d; 204C.10; 204C.13, subdivisions 2, 3, 5; 204C.15, subdivision 1; 204C.22, subdivisions 3, 4, 7, 10; 204C.35, subdivisions 1, 2; 204C.36, subdivisions 1, 2; 204C.40, subdivision 2; 204D.11, subdivision 4; 204D.27, subdivision 11; 205.13, subdivision 3; 205.84, subdivision 1; 206.82, subdivision 1; 206.83; 206.90, subdivision 6; 208.02; 208.03; 208.06; 209.01, subdivision 2; 209.021, subdivisions 2, 3; 209.09, subdivision 2; 365.22, subdivisions 2, 3; 367.31, subdivision 4; 368.85, subdivision 4; 375.025, subdivision 1; 375A.09, subdivision 4; 376.04; 383B.68, subdivision 4; 412.551, subdivision 2; 473.123, subdivision 3a; 609.165, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 123B; 201; 203B; 208; 241; 243; repealing Minnesota Statutes 2014, sections 123B.09, subdivision 5; 201.155; 201.275; 204B.14, subdivision 6; 204C.13, subdivision 4; 204C.30, subdivision 1; 208.07; 208.08; 383A.555.

Senator Kiffmeyer moved to amend S.F. No. 455 as follows:

Delete everything after the enacting clause and insert:

**"ARTICLE 1****ELECTION ADMINISTRATION**

Section 1. Minnesota Statutes 2014, section 123B.09, subdivision 1, is amended to read:

Subdivision 1. **School board membership.** The care, management, and control of independent districts is vested in a board of directors, to be known as the school board. The term of office of a member shall be four years commencing on the first Monday in January and until a successor qualifies. The membership of the board shall consist of six elected directors together with such ex officio member as may be provided by law. The board may submit to the electors at any school election the question whether the board shall consist of seven members. If a majority of those voting on the proposition favor a seven-member board, a seventh member shall be elected at the next election of directors for a four-year term and thereafter the board shall consist of seven members.

Those districts with a seven-member board may submit to the electors at any school election at least 150 days before the next election of three members of the board the question whether the board shall consist of six members. If a majority of those voting on the proposition favor a six-member board instead of a seven-member board, ~~two~~ three members instead of ~~three~~ four members shall be elected at the next election of the board of directors and thereafter the board shall consist of six members.

Sec. 2. Minnesota Statutes 2014, section 123B.09, is amended by adding a subdivision to read:

Subd. 5a. **Vacancies.** A vacancy other than a vacancy described in subdivision 4 must be filled pursuant to section 123B.095.

Sec. 3. **[123B.095] VACANCY IN OFFICE OF SCHOOL BOARD MEMBER.**

Subdivision 1. **Option for filling vacancies; special election.** (a) Except as provided in section 123B.09, subdivision 4, a vacancy in the office of school board may be filled as provided in this subdivision and subdivision 2, or as provided in subdivision 3. If the vacancy is to be filled under this subdivision and subdivision 2, it must be filled at a special election. The school board may by resolution call for a special election to be held according to the earliest of the following time schedules:

(1) not less than 120 days following the date the vacancy is declared, but no later than 12 weeks prior to the date of the next regularly scheduled primary election;

(2) concurrently with the next regularly scheduled primary election and general election; or

(3) no sooner than 120 days following the next regularly scheduled general election.

(b) The person elected at the special election shall take office immediately after receipt of the certificate of election and upon filing the bond and taking the oath of office and shall serve the remainder of the unexpired term.

Subd. 2. **When victor seated immediately.** If a vacancy for which a special election is required occurs less than 120 days before the general election preceding the end of the term, the vacancy shall be filled by the person elected at that election for the ensuing term who shall take office immediately after receiving the certificate of election, filing the bond and taking the oath of office.

Subd. 3. **Vacancies of less than one year; appointment option.** Except as provided in section 123B.09, subdivision 4, and as an alternative to the procedure provided in subdivisions 1 and 2, any other vacancy in the office of school board member may be filled by board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered in the minutes and shall continue until an election is held under this subdivision. All elections to fill vacancies shall be for the unexpired term. If one year or more remains in the unexpired term, a special election must be held under subdivision 1. If less than one year remains in the unexpired term, the school board may appoint a person to fill the vacancy for the remainder of the unexpired term, unless the vacancy occurs within 90 days of the next school district general election, in which case an appointment shall not be made and the vacancy must be filled at the general election. The person elected to fill a vacancy at the general election takes office immediately in the same manner as for a special election under subdivision 1, and serves the remainder of the unexpired term and the new term for which the election was otherwise held.

Subd. 4. **School board vacancy appointment; public hearing.** Before making an appointment to fill a vacancy under subdivision 3, the school board must hold a public hearing not more than 30 days after the vacancy occurs with public notice given in the same manner as for a special meeting of the school board. At the public hearing, the board must invite public testimony from persons residing in the district in which the vacancy occurs relating to the qualifications of prospective appointees to fill the vacancy. Before making an appointment, the board also must notify public officials in the school district on the appointment, including county commissioners, town supervisors, and city council members, and must enter into the record at the board meeting in which the appointment is made the names and addresses of the public officials notified. If, after the public hearing, the board is unable or decides not to make an appointment under subdivision 3, it must hold a special election under subdivision 1, but the time period in which the election must be held begins to run from the date of the public hearing.

Sec. 4. Minnesota Statutes 2014, section 200.02, subdivision 7, is amended to read:

Subd. 7. **Major political party.** (a) "Major political party" means a political party that maintains a party organization in the state, political division or precinct in question and that has presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the last preceding state general election for presidential electors; and

whose candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election.

(b) "Major political party" also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and that has presented at least 45 candidates for election to the office of state representative, 23 candidates for election to the office of state senator, four candidates for election to the office of representative in Congress, and one candidate for election to each of the following offices: governor and lieutenant governor, attorney general, secretary of state, and state auditor, at the last preceding state general election for those offices.

(c) "Major political party" also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and whose members present to the secretary of

state at any time before the close of filing for the state partisan primary ballot a petition for a place on the state partisan primary ballot, which petition contains valid signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding state general election. A signature is valid only if signed no more than six months prior to the date the petition was filed.

(d) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (a) or a political party that presents candidates at an election as required by paragraph (b) becomes a major political party as of January 1 following that election and retains its major party status for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (a) or fails to present candidates as required by paragraph (b) at subsequent state general elections.

(e) A major political party whose candidates fail to receive the number and percentage of votes required under paragraph (a) and that fails to present candidates as required by paragraph (b) at each of two consecutive state general elections described by paragraph (a) or (b), respectively, loses major party status as of December 31 following the later of the two consecutive state general elections.

Sec. 5. Minnesota Statutes 2014, section 200.02, subdivision 23, is amended to read:

Subd. 23. **Minor political party.** (a) "Minor political party" means a political party that has adopted a state constitution, designated a state party chair, held a state convention in the last two years, filed with the secretary of state no later than December 31 following the most recent state general election a certification that the party has met the foregoing requirements, and met the requirements of paragraph (b) or (e), as applicable.

(b) To be considered a minor party in all elections statewide, the political party must have presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general, at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the preceding state general election for presidential electors; and

(3) who received votes in each county that in the aggregate equal at least one percent of the total number of individuals who voted in the election, or its members must have presented to the secretary of state at any time before the close of filing for the state partisan primary ballot a nominating petition in a form prescribed by the secretary of state containing the valid signatures of party members in a number equal to at least one percent of the total number of individuals who voted in the preceding state general election. A signature is valid only if signed no more than six months prior to the date the petition was filed.

(c) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (b) becomes a minor political party as of January 1 following that election and retains its minor party status for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (b) at subsequent state general elections.

(d) A minor political party whose candidates fail to receive the number and percentage of votes required under paragraph (b) at each of two consecutive state general elections described by

paragraph (b) loses minor party status as of December 31 following the later of the two consecutive state general elections.

(e) A minor party that qualifies to be a major party loses its status as a minor party at the time it becomes a major party. Votes received by the candidates of a major party must be counted in determining whether the party received sufficient votes to qualify as a minor party, notwithstanding that the party does not receive sufficient votes to retain its major party status. To be considered a minor party in an election in a legislative district, the political party must have presented at least one candidate for a legislative office in that district who received votes from at least ten percent of the total number of individuals who voted for that office, or its members must have presented to the secretary of state a nominating petition in a form prescribed by the secretary of state containing the valid signatures of party members in a number equal to at least ten percent of the total number of individuals who voted in the preceding state general election for that legislative office. A signature is valid only if signed no more than one year prior to the date the petition was filed.

Sec. 6. Minnesota Statutes 2014, section 200.02, is amended by adding a subdivision to read:

Subd. 27. **Partisan offices.** "Partisan offices" means federal offices, presidential electors, constitutional offices, and legislative offices.

Sec. 7. Minnesota Statutes 2014, section 200.02, is amended by adding a subdivision to read:

Subd. 28. **Nonpartisan offices.** "Nonpartisan offices" means all judicial, county, municipal, school district, and special district offices.

Sec. 8. Minnesota Statutes 2014, section 201.158, is amended to read:

#### **201.158 USE OF DEPARTMENT OF PUBLIC SAFETY DATA.**

As required by the Help America Vote Act of 2002, Public Law 107-252, the commissioner of public safety shall make electronic data on citizenship available to the secretary of state. The secretary of state must determine whether the data newly indicates that any individuals who have active records in the statewide voter registration system are not citizens. The secretary of state shall prepare a list of those voters for each county auditor at least weekly. The county auditor shall change the status of those registrants in the statewide voter registration system to reflect that they are challenged based upon their citizenship and must notify the county attorney.

~~In 2010, the secretary of state must make the determination and provide lists to the county auditors between 30 and 60 days before the general election and again between six and ten weeks after the election. In 2011, the secretary of state must make this determination again as part of the annual list maintenance. By August 1, 2012, the secretary of state must provide electronic lists to the counties at least monthly.~~

Sec. 9. Minnesota Statutes 2014, section 201.225, subdivision 2, is amended to read:

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

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

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

(3) allow for data to be entered manually or by scanning a Minnesota driver's license ~~or~~, a Minnesota identification card, or student identification card issued by an accredited postsecondary educational institution with a campus located in Minnesota that contains the same data as a driver's license or state identification card, including current Minnesota residence to locate a voter record or populate a voter registration application that would be printed and signed and dated by the voter. The printed registration application can be either a printed form, labels printed with voter information to be affixed to a preprinted form, or a combination of both;

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

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

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

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

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

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

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

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

(12) meet minimum security, reliability, and networking standards established by the Office of the Secretary of State in consultation with MN.IT;

(13) be capable of providing a voter's correct polling place; and

(14) perform any other functions necessary for the efficient and secure administration of the participating election, as determined by the secretary of state.

Electronic rosters used only for election day registration do not need to comply with clauses (1), (8), and (10). Electronic rosters used only for preregistered voter processing do not need to comply with clauses (4) and (5).

Sec. 10. Minnesota Statutes 2014, section 203B.01, subdivision 3, is amended to read:

Subd. 3. **Military.** "Military" means the Army, Navy, Air Force, Marine Corps, Coast Guard or Merchant Marine of the United States, ~~and~~ all other uniformed services as defined in United States

Code, title 42, ~~section 1973ff-6~~ section 20310, and military forces as defined by section 190.05, subdivision 3.

Sec. 11. Minnesota Statutes 2014, section 203B.07, subdivision 1, is amended to read:

Subdivision 1. **Delivery of envelopes, directions.** The county auditor or the municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope, and a copy of the directions for casting an absentee ballot to each applicant whose application for absentee ballots is accepted pursuant to section 203B.04. The county auditor or municipal clerk shall provide first class postage for the return envelope. The directions for casting an absentee ballot shall be printed in at least 14-point bold type with heavy leading and may be printed on the ballot envelope. When a person requests the directions in Braille or on ~~cassette tape~~ audio file, the county auditor or municipal clerk shall provide them in the form requested. The secretary of state shall prepare Braille and ~~cassette audio file~~ audio file copies and make them available.

When a voter registration application is sent to the applicant as provided in section 203B.06, subdivision 4, the directions or registration application shall include instructions for registering to vote.

Sec. 12. Minnesota Statutes 2014, section 203B.16, subdivision 1, is amended to read:

Subdivision 1. **Military service; temporary residence outside United States.** Sections 203B.16 to 203B.27 provide alternative voting procedures for eligible voters who are absent from the precinct where they maintain residence because they are:

- (1) either in the military or the spouses or dependents of individuals serving in the military; or
- (2) temporarily outside the territorial limits of the United States.

Sections 203B.16 to 203B.27 are intended to implement the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, ~~section 1973ff~~ section 20301 to 20310.

Sec. 13. Minnesota Statutes 2014, section 204B.06, subdivision 1b, is amended to read:

Subd. 1b. **Address and telephone number.** (a) An affidavit of candidacy must state a telephone number where the candidate can be contacted. An affidavit must also state the candidate's address of residence as determined under section 200.031, or at the candidate's request in accordance with paragraph (c), the candidate's campaign contact address. The form for the affidavit of candidacy must allow the candidate to request, if eligible, that the candidate's address of residence be classified as private data, and to provide the certification required under paragraph (c) for classification of that address.

(b) For an office whose residency requirement must be satisfied by the close of the filing period, a registered voter in this state may request in writing that the filing officer receiving the affidavit of candidacy review the address as provided in this paragraph, at any time up to one day after the last day for filing for office. If requested, the filing officer must determine whether the address provided in the affidavit of candidacy is within the area represented by the office the candidate is seeking. If the filing officer determines that the address is not within the area represented by the office, the filing officer must immediately notify the candidate and the candidate's name must be removed from the ballot for that office. A determination made by a filing officer under this paragraph is subject to judicial review under section 204B.44.

(c) If the candidate requests that the candidate's address of residence be classified as private data, the candidate must list the candidate's address of residence on a separate form to be attached to the affidavit. The candidate must also certify on the affidavit that a police report has been submitted or an order for protection has been issued in regard to the safety of the candidate or the candidate's family, or that the candidate's address is otherwise private pursuant to Minnesota law. The address of residence provided by a candidate who makes a request for classification on the candidate's affidavit of candidacy and provides the certification required by this paragraph is classified as private data, as defined in section 13.02, subdivision 12, but may be reviewed by the filing officer as provided in this subdivision.

(d) The requirements of this subdivision do not apply to affidavits of candidacy for a candidate for: (1) judicial office; (2) the office of county attorney; or (3) county sheriff.

Sec. 14. Minnesota Statutes 2014, section 204B.19, subdivision 6, is amended to read:

Subd. 6. **High school students.** Notwithstanding any other requirements of this section, a student enrolled in a high school in Minnesota or who is in a home school in compliance with sections 120A.22 and 120A.24, who has attained the age of 16 is eligible to be appointed as a without party affiliation trainee election judge ~~in the county in which the student resides.~~ The student must meet qualifications for trainee election judges specified in rules of the secretary of state. A student appointed as a trainee election judge may be excused from school attendance during the hours that the student is serving as a trainee election judge if the student submits a written request signed and approved by the student's parent or guardian to be absent from school and a certificate from the appointing authority stating the hours during which the student will serve as a trainee election judge to the principal of the school at least ten days prior to the election. Students shall not serve as trainee election judges after 10:00 p.m. Notwithstanding section 177.24 to the contrary, trainee election judges may be paid not less than two-thirds of the minimum wage for a large employer. The principal of the school may approve a request to be absent from school conditioned on acceptable academic performance at the time of service as a trainee election judge.

Sec. 15. Minnesota Statutes 2014, section 204B.36, subdivision 1, is amended to read:

Subdivision 1. **Type.** All ballots shall be printed with black ink on paper of sufficient thickness to prevent the printing from being discernible from the back. All ballots shall be printed in easily readable type with suitable lines dividing candidates, offices, instructions and other matter printed on ballots. ~~The name of each candidate shall be printed in capital letters.~~ The same type shall be used for the names of all candidates on the same ballot.

Sec. 16. Minnesota Statutes 2014, section 204B.36, subdivision 2, is amended to read:

Subd. 2. **Candidates and offices.** The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office shall be printed above or below the name of the candidate. The name of a political party or a political principle shall be printed in capital and lowercase letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. At a general election, blank lines containing the words "write-in, if any" shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At

a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed ~~a square~~ an oval or similar target shape in which the voter may designate a vote by ~~a mark (X) filling in the oval or similar mark if a different target shape is used.~~ Each square shall be the same size. Above the first name on each ballot shall be ~~printed the words, "Put an (X) in the square opposite the name of each candidate you wish to vote for."~~ At the same level with these words and directly above the squares shall be printed a small arrow pointing downward instructions for voting. Directly underneath the official title of each office shall be printed the words "Vote for one" or "Vote for up to ..." (any greater number to be elected).

Sec. 17. Minnesota Statutes 2014, section 204B.36, subdivision 3, is amended to read:

Subd. 3. **Question; form of ballot.** When a question is to be submitted to a vote, a concise statement of the nature of the question shall be printed on the ballot. The words, "YES" "Yes" and "NO" "No" shall be printed to the left of this statement, with ~~a square~~ an oval or similar target shape to the left of each word so that the voter may indicate by a mark (X) either a negative or affirmative vote. The ballot shall include instructions directing the voter to ~~put an (X) in the square fill in the oval or similar mark if a different target shape is used,~~ before the word "YES" "Yes" if the voter desires to vote for the question, or to ~~put an (X) fill in the oval or similar mark if a different target shape is used,~~ before the word "NO" "No" if the voter desires to vote against the question.

Sec. 18. Minnesota Statutes 2014, section 204B.36, subdivision 4, is amended to read:

Subd. 4. **Judicial candidates.** The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. Each seat for an associate justice, associate judge, or judge of the district court must be numbered. The words "SUPREME COURT," "COURT OF APPEALS," "Supreme Court," "Court of Appeals," and ~~"(number) DISTRICT COURT"~~ "(number) District Court" must be printed above the respective judicial office groups on the ballot. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

(a) In the case of the Supreme Court:

"Chief justice";

"Associate justice (number)";

(b) In the case of the Court of Appeals:

"Judge (number)"; or

(c) In the case of the district court:

"Judge (number)."

Sec. 19. Minnesota Statutes 2014, section 204B.45, is amended by adding a subdivision to read:

Subd. 2a. **Procedure.** (a) Unless otherwise specified in this section, mail balloting must be conducted in the same manner as absentee balloting under chapter 203B and rules adopted under that chapter, as far as practicable.

(b) Notice of the election and the special mail procedure must be given at least ten weeks prior to the election. Not more than 46 days nor later than 14 days before an election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the jurisdiction. Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B. No application for a mail ballot is required and ballots shall automatically be mailed to all registered voters in the jurisdiction.

(c) In addition to a ballot mailed pursuant to paragraph (b), the auditor must include in the same envelope as the ballot instructions for marking the ballot, a ballot envelope, and a return envelope. The ballot, instructions, ballot envelope, and return envelope shall be formatted in the same manner as absentee ballots under chapter 203B and rules adopted under that chapter.

(d) Any ballot received by 8:00 p.m. on the day of the election must be counted.

Sec. 20. Minnesota Statutes 2014, section 204B.45, subdivision 3, is amended to read:

Subd. 3. **Election Law applied; rules.** The Minnesota Election Law is applicable to mail balloting except as provided by this section or by rules adopted by the secretary of state, but only paper ballots may be used. The secretary of state shall adopt rules for the conduct of mail balloting; ~~including instructions to voters, procedures for challenge of voters, public observation of the counting of ballots, and procedures for proper handling and safeguarding of ballots to ensure the integrity of the election~~ consistent with this section.

Sec. 21. Minnesota Statutes 2014, section 204B.46, is amended to read:

#### **204B.46 MAIL ELECTIONS; QUESTIONS.**

A county, municipality, or school district submitting questions to the voters at a special election may conduct an election by mail with no polling place other than the office of the auditor or clerk. No offices may be voted on at a mail election. Notice of the election must be given to the county auditor at least 74 days prior to the election. This notice shall also fulfill the requirements of Minnesota Rules, part 8210.3000. ~~The special mail ballot procedures must be posted at least six weeks prior to the election. Not more than 46 nor later than 14 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county, municipality, or school district. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B. The auditor or clerk must appoint a ballot board to examine the mail and absentee ballot return envelopes and mark them "Accepted" or "Rejected" within three days of receipt if there are 14 or fewer days before election day, or within five days of receipt if there are more than 14 days before election day. The board may consist of deputy county auditors, deputy municipal clerks, or deputy school district clerks who have received training in the processing and counting of mail ballots, who need not be affiliated with a major political party. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before the election, the ballots in the envelope must remain sealed and the auditor or clerk must provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. If the ballot is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone~~

or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

If the ballot is accepted, the county auditor or municipal clerk must mark the roster to indicate that the voter has already cast a ballot in that election. After the close of business on the seventh day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86, subdivision 5, initialed by the ballot board, and deposited in the appropriate ballot box.

In all other respects, the provisions of the Minnesota Election Law governing deposit and counting of ballots apply.

The mail and absentee ballots for a precinct must be counted together and reported as one vote total. No vote totals from ballots may be made public before the close of voting on election day. Mail balloting conducted under this section must conform to the requirements in section 204B.45.

Sec. 22. Minnesota Statutes 2014, section 204C.04, subdivision 1, is amended to read:

Subdivision 1. **Right to be absent.** Every employee who is eligible to vote in an any election has the right to be absent from work for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election, without penalty or deduction from salary or wages because of the absence. An employer or other person may not directly or indirectly refuse, abridge, or interfere with this right or any other election right of an employee.

Sec. 23. Minnesota Statutes 2014, section 204C.08, subdivision 1d, is amended to read:

Subd. 1d. **Voter's Bill of Rights.** The county auditor shall prepare and provide to each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set forth in this section. Before the hours of voting are scheduled to begin, the election judges shall post it in a conspicuous location or locations in the polling place. The Voter's Bill of Rights is as follows:

#### "VOTER'S BILL OF RIGHTS

For all persons residing in this state who meet federal voting eligibility requirements:

(1) You have the right to be absent from work for the purpose of voting in ~~a state or federal~~ any election without reduction to your pay, personal leave, or vacation time on election day for the time necessary to appear at your polling place, cast a ballot, and return to work.

(2) If you are in line at your polling place any time before 8:00 p.m., you have the right to vote.

(3) If you can provide the required proof of residence, you have the right to register to vote and to vote on election day.

(4) If you are unable to sign your name, you have the right to orally confirm your identity with an election judge and to direct another person to sign your name for you.

(5) You have the right to request special assistance when voting.

(6) If you need assistance, you may be accompanied into the voting booth by a person of your choice, except by an agent of your employer or union or a candidate.

(7) You have the right to bring your minor children into the polling place and into the voting booth with you.

(8) If you have been convicted of a felony but your felony sentence has expired (been completed) or you have been discharged from your sentence, you have the right to vote.

(9) If you are under a guardianship, you have the right to vote, unless the court order revokes your right to vote.

(10) You have the right to vote without anyone in the polling place trying to influence your vote.

(11) If you make a mistake or spoil your ballot before it is submitted, you have the right to receive a replacement ballot and vote.

(12) You have the right to file a written complaint at your polling place if you are dissatisfied with the way an election is being run.

(13) You have the right to take a sample ballot into the voting booth with you.

(14) You have the right to take a copy of this Voter's Bill of Rights into the voting booth with you."

Sec. 24. Minnesota Statutes 2014, section 204C.13, subdivision 2, is amended to read:

Subd. 2. **Voting booths.** One of the election judges shall explain to the voter the proper method of marking ~~and folding~~ the ballots and, during a primary election, the effect of attempting to vote in more than one party's primary. Except as otherwise provided in section 204C.15, the voter shall retire alone to an unoccupied voting booth or, at the voter's discretion, the voter may choose to use another writing surface. The voter shall mark the ballots without undue delay. The voter may take sample ballots into the booth to assist in voting. The election judges may adopt and enforce reasonable rules governing the amount of time a voter may spend in the voting booth marking ballots.

Sec. 25. Minnesota Statutes 2014, section 204C.13, subdivision 3, is amended to read:

Subd. 3. **Marking ballots.** The voter shall mark each ballot in the following manner:

(a) ~~A mark (X) shall be placed in the square~~ The voter shall fill in the oval or similar mark if a different target shape is used, opposite the printed name of each candidate for whom the individual desires to vote, and in the square oval or other target shape before the "YES" "Yes" or "NO" "No" if the individual desires to vote for or against a question.

(b) The voter may write in other names on the lines provided under the printed names of the candidates, except that no names shall be written in on primary ballots.

(c) At a state primary an individual may vote for candidates of only one major political party on the partisan primary ballot. If a partisan primary ballot contains votes for the candidates of more than one major political party, the ballot is totally defective and no vote on the partisan section of the ballot shall be counted.

(d) An individual who spoils a ballot may return it to the election judges and receive another.

Sec. 26. Minnesota Statutes 2014, section 204C.13, subdivision 5, is amended to read:

Subd. 5. **Deposit of ballots in ballot boxes** ~~box.~~ The voter shall then withdraw from the voting booth with the ballots and ~~hand them to the election judge in charge of the ballot boxes. That election judge shall~~ immediately deposit each ballot in the proper ballot box. Ballots that have not been

initialed by the election judges as provided in section 204C.09, shall not be deposited in the ballot box.

Sec. 27. Minnesota Statutes 2014, section 204C.22, subdivision 3, is amended to read:

Subd. 3. **Votes for too many candidates.** If a voter places a mark (X) beside the names of more candidates for an office than are to be elected or nominated, the ballot is defective with respect only to that office. No vote shall be counted for any candidate for that office, but the rest of the ballot shall be counted if possible. At a primary, if a voter has not indicated a party preference and places a mark (X) beside the names of candidates of more than one party on the partisan ballot, the ballot is totally defective and no votes on it shall be counted. If a voter has indicated a party preference at a primary, only votes cast for candidates of that party shall be counted.

Sec. 28. Minnesota Statutes 2014, section 204C.22, subdivision 4, is amended to read:

Subd. 4. **Name written in proper place.** If a voter has written the name of an individual in the proper place on a general or special election ballot a vote shall be counted for that individual whether or not the voter makes a mark (X) in the square oval or other target shape opposite the blank.

Sec. 29. Minnesota Statutes 2014, section 204C.22, subdivision 7, is amended to read:

Subd. 7. **All written names or marks counted up to limit.** If a number of individuals are to be elected to the same office, the election judges shall count all names written in and all printed names with (X) marks in squares oval or other target shape opposite them, not exceeding the whole number to be elected. When fewer names than the number to be elected are marked with an (X) or written in, only the marked or written in names shall be counted. When more names than the number to be elected are marked or written in, the ballot is defective with respect to that office and no vote shall be counted for that office.

Sec. 30. Minnesota Statutes 2014, section 204C.22, subdivision 10, is amended to read:

Subd. 10. **Different marks.** If a voter uniformly uses a mark ~~other than (X) which clearly~~ indicates an intent to mark a name or to mark yes or no on a question, and the voter does not use (X) the more standard mark anywhere else on the ballot, a vote shall be counted for each candidate or response to a question marked. If a voter uses two or more distinct marks, such as (X) and some other mark, a vote shall be counted for each candidate or response to a question marked, unless the ballot is marked by distinguishing characteristics that make the entire ballot defective as provided in subdivision 13.

Sec. 31. Minnesota Statutes 2014, section 204C.35, subdivision 1, is amended to read:

Subdivision 1. **Publicly funded recounts.** (a) In a state primary when the difference between the votes cast for the candidates for nomination to:

(1) a state legislative office is less than one-half of one percent of the total number of votes counted for that nomination or is ten votes or less and the total number of votes cast for the nomination is 400 votes or less; or

(2) a statewide federal office, state constitutional office, statewide judicial office, congressional office, or district judicial office is less than one-quarter of one percent of the total number of votes counted for that nomination or is ten votes or less and the total number of votes cast for the nomination is 400 votes or less;

and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall manually recount the vote upon receiving a written request from the candidate whose nomination is in question.

Immediately following the meeting of the board that has responsibility for canvassing the results of the nomination, the filing officer must notify the candidate that the candidate has the option to request a recount of the votes at no cost to the candidate. This written request must be received by the filing officer no later than ~~48 hours~~ 5:00 p.m. on the second day after the canvass of the primary for which the recount is being sought.

(b) In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to:

(1) a state legislative office is less than one-half of one percent of the total number of votes counted for that office or is ten votes or less and the total number of votes cast for the office is 400 votes or less; or

(2) a statewide federal office, state constitutional office, statewide judicial office, congressional office, or district judicial office and the votes of any other candidate for that office is less than one-quarter of one percent of the total number of votes counted for that office or is ten votes or less if the total number of votes cast for the office is 400 votes or less,

the canvassing board shall manually recount the votes upon receiving a written request from the candidate whose election is in question.

Immediately following the meeting of the board that has responsibility for canvassing the results of the general election, the filing officer must notify the candidate that the candidate has the option to request a recount of the votes at no cost to the candidate. This written request must be received by the filing officer no later than ~~48 hours~~ 5:00 p.m. on the second day after the canvass of the election for which the recount is being sought.

(c) A recount must not delay any other part of the canvass. The results of the recount must be certified by the canvassing board as soon as possible.

(d) Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board.

Sec. 32. Minnesota Statutes 2014, section 204C.36, subdivision 1, is amended to read:

Subdivision 1. **Publicly funded recounts.** (a) Except as provided in paragraphs (b) and (c), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is less than one-quarter of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the one-quarter of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(b) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the votes cast for that candidate and for a winning candidate for nomination or election is less than one-half of one percent, and the total number of votes cast for the nomination or election

of all candidates is more than 400 but less than 50,000. In cases of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(c) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(d) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests shall be filed ~~during the time for notice of contest of the primary~~ or by 5:00 p.m. on the fifth day after the canvass of a primary or special primary or by 5:00 p.m. on the seventh day of the canvass of a special or general election for which a recount is sought.

(e) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district.

Sec. 33. Minnesota Statutes 2014, section 204D.11, subdivision 4, is amended to read:

Subd. 4. **Special federal ballot.** (a) The names of all candidates for the offices of president and vice-president of the United States and senator and representative in Congress shall be placed on a ballot that shall be known as the "special federal ballot."

(b) This ballot shall be prepared by the county auditor in the same manner as the state general election ballot and shall be subject to the rules adopted by the secretary of state pursuant to subdivision 1. This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, ~~section 1973ff~~ 52, sections 20301 to 20310.

(c) The special federal ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot for federal candidates in Minnesota.

Sec. 34. Minnesota Statutes 2014, section 204D.27, subdivision 11, is amended to read:

Subd. 11. **Certificate of legislative election.** A certificate of election in a special election for state senator or state representative shall be issued by the secretary of state to the ~~individual declared elected by the county or state canvassing board~~ chief clerk of the house or the secretary of the senate two days, excluding Sundays and legal holidays, after the appropriate canvassing board finishes canvassing the returns for the election.

In case of a contest the certificate shall not be issued until the district court determines the contest.

Sec. 35. Minnesota Statutes 2014, section 206.90, subdivision 6, is amended to read:

Subd. 6. **Ballots.** In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink. In state elections, a single ballot title must be used, as provided in sections 204D.08, subdivision 6, and 204D.11, subdivision 1. In odd-numbered years when both municipal and school district offices or questions appear on the ballot, the single ballot title "City (or Town) and School District Ballot" must be used.

On the front of the ballot must be printed the words "Official Ballot" and the date of the election and lines for the initials of at least two election judges.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "~~THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY.~~" "This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "~~ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY.~~" "Additional political parties are printed on the other side of this ballot. Vote for one political party only." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "~~CONTINUE VOTING ON THE NONPARTISAN BALLOT.~~" "Continue voting on the nonpartisan ballot." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio ballot readers must follow the order of offices and questions on the optical scan or paper ballot used in the same precinct, or the sample ballot posted for that precinct.

Sec. 36. Minnesota Statutes 2014, section 365.22, subdivision 2, is amended to read:

Subd. 2. **Questions, ballot details.** The questions to be voted on must be separately stated on the ballots, as worded in section 365.21. Two squares ovals or similar target shapes, one above the other, must be put just below each question with the word "yes" beside the upper square target shape and the word "no" beside the lower square target shape.

Sec. 37. Minnesota Statutes 2014, section 365.22, subdivision 3, is amended to read:

Subd. 3. **Voting.** An elector must vote separately on each question for the elector's vote to be counted on that question. To vote "yes" on a question, the elector shall mark an "X" in the square fill in the oval or similar target shape beside the word "yes" just below the question. To vote "no" on

a question, the elector shall ~~mark an "X" in the square~~ fill in the oval or similar target shape beside the word "no" just below the question.

Sec. 38. Minnesota Statutes 2014, section 367.31, subdivision 4, is amended to read:

Subd. 4. **Election; form of ballot.** The proposals for adoption of the options shall be stated on the ballot substantially as follows:

"Shall option A, providing for a five-member town board of supervisors, be adopted for the government of the town?"

"Shall option B, providing for the appointment of the clerk and treasurer by the town board, be adopted for the government of the town?"

"Shall option C, providing for the appointment of a town administrator by the town board, be adopted for the government of the town?"

"Shall option D, providing for combining the offices of clerk and treasurer, be adopted for the government of the town?"

If a proposal under option B is to appoint only the clerk or only the treasurer, or if it is to appoint the combined clerk-treasurer following the adoption of option D or when submitted simultaneously with the ballot question for option D, the ballot question shall be varied to read appropriately. If an option B ballot question is submitted for the combined clerk-treasurer office at the same election in which option D is also on the ballot, the ballot must note that the approval of option B is contingent on the simultaneous approval of option D. In any of these cases, the question shall be followed by the words "Yes" and "No" with an appropriate ~~square~~ oval or similar target shape before each in which an elector may record a choice.

Sec. 39. Minnesota Statutes 2014, section 368.85, subdivision 4, is amended to read:

Subd. 4. **Ballot.** The town board shall provide ballots which shall read "Shall the territory described in the resolution adopted by the town board on the ..... day of ....., ....., constitute a special fire protection district?" The question shall be followed with a line with the word "Yes" and ~~a square~~ an oval or similar target shape after it and another line with the word "No" and ~~a square~~ an oval or similar target shape after it. The voters shall indicate their choice by placing a ~~cross mark in one of the squares~~ target shapes, and a direction to so indicate their choice shall be printed on the ballot.

Sec. 40. Minnesota Statutes 2014, section 376.04, is amended to read:

#### **376.04 ELECTION, SEPARATE BALLOT.**

The question of purchasing and constructing hospital buildings shall be submitted to the voters of any county at a general election ~~and placed upon a separate ballot~~. This election must be called by a resolution of the county board. The resolution must state the time of the election, that a county hospital is proposed to be established, the proposed location, and the cost, including equipment, for not more than the amount stated in the resolution. When the resolutions are passed, the county auditor shall immediately notify each town or city clerk in the county that the question of constructing hospital buildings will be voted upon at the time stated in the resolution, in the manner provided under the state election laws.

The ballot must be in the following form:

"For the purchase and construction of hospital buildings, including equipment, to be located at ..... (state location), at a cost not more than ..... (state amount), pursuant to the resolution of the board of county commissioners passed ..... (state date).

Yes .....

No ..... "

To the left of each of the last two words, "yes" and "no," shall be followed by a square in which the voter may indicate by a mark (X) either a negative or affirmative vote printed an oval or similar target shape so that the voter may indicate by a mark either or a negative or affirmative vote. These votes shall be cast in the same manner as votes cast at the general election and counted by the same officers. Returns must be made to the county auditor, and canvassed in the same manner as the returns on county officers.

Sec. 41. Minnesota Statutes 2014, section 412.551, subdivision 2, is amended to read:

Subd. 2. **Form of ballot.** The proposals for the adoption of optional plans shall be stated on the ballot substantially as follows:

"Shall Optional Plan A, modifying the standard plan of city government by providing for the appointment by the council of the clerk and treasurer be adopted for the government of the city?"

"Shall Optional Plan B, providing for the council-manager form of city government, be adopted for the government of the city?"

If the city has combined the offices of clerk and treasurer, the word "clerk-treasurer" shall be substituted for the words "clerk and treasurer" in the question on the ballot on adoption of Optional Plan A. In any of these cases, the question shall be followed by the words, "Yes" and "No" with an appropriate square before each in which a voter may record a choice oval or similar target shape to the left of each word so that the voter may indicate by a mark either a negative or affirmative vote.

Sec. 42. **REPEALER.**

(a) Minnesota Statutes 2014, sections 123B.09, subdivision 5; 204B.14, subdivision 6; 204B.45, subdivision 2; 204C.04, subdivision 2; 204C.13, subdivision 4; 204C.30, subdivision 1; and 383A.555, are repealed.

(b) Minnesota Rules, parts 8200.5200; and 8200.9940, are repealed.

**ARTICLE 2**

**UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT**

Section 1. Minnesota Statutes 2014, section 204B.07, subdivision 2, is amended to read:

Subd. 2. **Petitions for presidential electors and alternates.** This subdivision does not apply to candidates for presidential elector or alternate nominated by major political parties. Major party candidates for presidential elector or alternate are certified under section 208.03. Other presidential electors or alternates are nominated by petition pursuant to this section. On petitions nominating presidential electors or alternates, the names of the candidates for president and vice-president shall be added to the political party or political principle stated on the petition. One petition may be filed

to nominate a slate of presidential electors equal in number to the number of electors to which the state is entitled and an alternate for each elector nominee.

Sec. 2. Minnesota Statutes 2014, section 208.02, is amended to read:

**208.02 ELECTION OF PRESIDENTIAL ELECTORS AND ALTERNATES.**

Presidential electors and alternates shall be chosen at the state general election held in the year preceding the expiration of the term of the president of the United States.

Sec. 3. Minnesota Statutes 2014, section 208.03, is amended to read:

**208.03 NOMINATION OF PRESIDENTIAL ELECTORS AND ALTERNATES.**

Presidential electors and alternates for the major political parties of this state shall be nominated by delegate conventions called and held under the supervision of the respective state central committees of the parties of this state. At least 71 days before the general election day the chair of the major political party shall certify to the secretary of state the names of the persons nominated as presidential electors, the names of eight persons nominated as alternate presidential electors, and the names of the party candidates for president and vice president. The chair shall also certify that the party candidates for president and vice president have no affidavit on file as a candidate for any office in this state at the ensuing general election.

Sec. 4. Minnesota Statutes 2014, section 208.06, is amended to read:

**208.06 ELECTORS AND ALTERNATES TO MEET AT STATE CAPITOL; FILLING OF VACANCIES.**

The presidential electors and alternate presidential electors, before 12:00 M. on the day before that fixed by Congress for the electors to vote for president and vice president of the United States, shall notify the governor that they are at the State Capitol and ready at the proper time to fulfill their duties as electors. The governor shall deliver to the electors present a certificate of the names of all the electors. ~~If any elector named therein fails to appear before 9:00 a.m. on the day, and at the place, fixed for voting for president and vice president of the United States, an alternate, chosen from among the alternates by lot, shall be appointed to act for that elector. If more than eight alternates are necessary, the electors present shall, in the presence of the governor, immediately elect by ballot a person to fill the vacancy. If more than the number of persons required have the highest and an equal number of votes, the governor, in the presence of the electors attending, shall decide by lot which of those persons shall be elected.~~ The electors shall meet at 12:00 p.m. in the executive chamber of the State Capitol and shall perform all the duties imposed upon them as electors by the Constitution and laws of the United States and this state in the manner provided in section 208.46.

Sec. 5. **[208.40] SHORT TITLE.**

Sections 208.40 to 208.48 may be cited as the "Uniform Faithful Presidential Electors Act."

Sec. 6. **[208.41] DEFINITIONS.**

(a) The definitions in this section apply to sections 208.40 to 208.48.

(b) "Cast" means accepted by the secretary of state in accordance with section 208.46, paragraph (b).

(c) "Elector" means an individual selected as a presidential elector under this chapter.

(d) "President" means the president of the United States.

(e) "Unaffiliated presidential candidate" means a candidate for president who qualifies for the general election ballot in this state by means other than nomination by a political party.

(f) "Vice president" means the vice president of the United States.

**Sec. 7. [208.42] DESIGNATION OF STATE'S ELECTORS.**

For each elector position in this state, a political party contesting the position, or an unaffiliated presidential candidate, shall submit to the secretary of state the names of two qualified individuals. One of the individuals must be designated "elector nominee" and the other "alternate elector nominee."

Except as otherwise provided in sections 208.44 to 208.47, this state's electors are the winning elector nominees under the laws of this state.

**Sec. 8. [208.43] PLEDGE.**

Each elector nominee and alternate elector nominee of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots for president and vice president for the nominees for those offices of the party that nominated me." Each elector nominee and alternate elector nominee of an unaffiliated presidential candidate shall execute the following pledge: "If selected for the position of elector as a nominee of an unaffiliated presidential candidate, I agree to serve and to mark my ballots for that candidate and for that candidate's vice-presidential running mate." The executed pledges must accompany the submission of the corresponding names to the secretary of state.

**Sec. 9. [208.44] CERTIFICATION OF ELECTORS.**

In submitting this state's certificate of ascertainment as required by United States Code, title 3, section 6, the governor shall certify this state's electors and state in the certificate that:

(1) the electors will serve as electors unless a vacancy occurs in the office of elector before the end of the meeting at which elector votes are cast, in which case a substitute elector will fill the vacancy; and

(2) if a substitute elector is appointed to fill a vacancy, the governor will submit an amended certificate of ascertainment stating the names on the final list of this state's electors.

**Sec. 10. [208.45] PRESIDING OFFICER; ELECTOR VACANCY.**

(a) The secretary of state shall preside at the meeting of electors described in section 208.06.

(b) The position of an elector not present to vote is vacant. The secretary of state shall appoint an individual as a substitute elector to fill a vacancy as follows:

(1) if the alternate elector is present to vote, by appointing the alternate elector for the vacant position;

(2) if the alternate elector for the vacant position is not present to vote, by appointing an elector chosen by lot from among the alternate electors present to vote who were nominated by the same political party or unaffiliated presidential candidate;

(3) if the number of alternate electors present to vote is insufficient to fill any vacant position pursuant to clauses (1) and (2), by appointing any immediately available individual who is qualified to serve as an elector and chosen through nomination by a plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains;

(4) if there is a tie between at least two nominees for substitute elector in a vote conducted under clause (3), by appointing an elector chosen by lot from among those nominees; or

(5) if all elector positions are vacant and cannot be filled pursuant to clauses (1) to (4), by appointing a single presidential elector, with remaining vacant positions to be filled under clause (3) and, if necessary, clause (4).

(c) To qualify as a substitute elector under paragraph (b), an individual who has not executed the pledge required under section 208.43 shall execute the following pledge: "I agree to serve and to mark my ballots for president and vice president consistent with the pledge of the individual to whose elector position I have succeeded."

#### **Sec. 11. [208.46] ELECTOR VOTING.**

(a) At the time designated for elector voting in section 208.06, and after all vacant positions have been filled under section 208.45, the secretary of state shall provide each elector with a presidential and a vice-presidential ballot. The elector shall mark the elector's presidential and vice-presidential ballots with the elector's votes for the offices of president and vice president, respectively, along with the elector's signature and the elector's legibly printed name.

(b) Except as otherwise provided by law of this state other than this chapter, each elector shall present both completed ballots to the secretary of state, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under section 208.43 or 208.45, paragraph (c). Except as otherwise provided by law of this state other than this chapter, the secretary of state may not accept and may not count either an elector's presidential or vice-presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.

(c) An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under section 208.43 or 208.45, paragraph (c), vacates the office of elector, creating a vacant position to be filled under section 208.45.

(d) The secretary of state shall distribute ballots to and collect ballots from a substitute elector and repeat the process under this section of examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors, until all of this state's electoral votes have been cast and recorded.

#### **Sec. 12. [208.47] ELECTOR REPLACEMENT; ASSOCIATED CERTIFICATES.**

(a) After the vote of this state's electors is completed, if the final list of electors differs from any list that the governor previously included on a certificate of ascertainment prepared and transmitted under United States Code, title 3, section 6, the secretary of state immediately shall prepare an amended certificate of ascertainment and transmit it to the governor for the governor's signature.

(b) The governor immediately shall deliver the signed amended certificate of ascertainment to the secretary of state and a signed duplicate original of the amended certificate of ascertainment to all individuals entitled to receive this state's certificate of ascertainment, indicating that the

amended certificate of ascertainment is to be substituted for the certificate of ascertainment previously submitted.

(c) The secretary of state shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The secretary of state shall process and transmit the signed certificate with the amended certificate of ascertainment under United States Code, title 3, sections 9, 10, and 11.

**Sec. 13. [208.48] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

In applying and construing sections 208.40 to 208.48, consideration must be given to the need to promote uniformity of the law with respect to their subject matter among states that enact the Uniform Faithful Presidential Electors Act or similar law.

Sec. 14. Minnesota Statutes 2014, section 209.01, subdivision 2, is amended to read:

Subd. 2. **Statewide office.** For purposes of this chapter, "statewide office" means the office of governor, lieutenant governor, attorney general, state auditor, secretary of state, chief justice or associate justice of the Supreme Court, judge of the Court of Appeals, United States senator, or presidential elector or alternate.

**Sec. 15. REPEALER.**

Minnesota Statutes 2014, sections 208.07; and 208.08, are repealed."

**CALL OF THE SENATE**

Senator Sieben imposed a call of the Senate for the balance of the proceedings on S.F. No. 455. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 28 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Senjem
Benson	Hall	Miller	Pederson, J.	Thompson
Brown	Hann	Nelson	Petersen, B.	Weber
Chamberlain	Housley	Newman	Pratt	Westrom
Dahms	Ingebrigtsen	Nienow	Rosen	
Fischbach	Kiffmeyer	Ortman	Ruud	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Pappas	Skoe
Bonoff	Eaton	Johnson	Reinert	Sparks
Carlson	Eken	Kent	Rest	Stumpf
Champion	Franzen	Koenen	Saxhaug	Tomassoni
Clausen	Goodwin	Latz	Scalze	Torres Ray
Cohen	Hawj	Lourey	Schmit	Wiger
Dahle	Hayden	Marty	Sheran	Wiklund
Dibble	Hoffman	Metzen	Sieben	

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

Senator Petersen, B. moved to amend S.F. No. 455 as follows:

Page 38, delete section 7

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Senjem
Benson	Hall	Miller	Pederson, J.	Thompson
Brown	Hann	Nelson	Petersen, B.	Weber
Chamberlain	Housley	Newman	Pratt	Westrom
Dahms	Ingebrigtsen	Nienow	Rosen	
Fischbach	Kiffmeyer	Ortman	Ruud	

Those who voted in the negative were:

Bonoff	Eken	Koenen	Saxhaug	Tomassoni
Carlson	Franzen	Latz	Scalze	Torres Ray
Champion	Goodwin	Lourey	Schmit	Wiger
Clausen	Hawj	Marty	Sheran	Wiklund
Dahle	Hayden	Metzen	Sieben	
Dibble	Jensen	Pappas	Skoe	
Dziedzic	Johnson	Reinert	Sparks	
Eaton	Kent	Rest	Stumpf	

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

Senator Brown moved to amend S.F. No. 455 as follows:

Page 12, after line 29, insert:

"Sec. 19. Minnesota Statutes 2014, section 204B.19, subdivision 2, is amended to read:

Subd. 2. **Individuals not qualified to be election judges.** (a) Except as provided in paragraph (b), no individual shall be appointed as an election judge for any precinct if that individual:

(1) is unable to read, write, or speak the English language;

(2) is the spouse; parent, including a stepparent; child, including a stepchild; or sibling, including a stepsibling; of any election judge serving in the same precinct or of any candidate at that election;  
or

(3) is domiciled, either permanently or temporarily, with any candidate on the ballot at that election; or

(4) is a candidate at that election.

(b) Individuals who are related to each other as provided in paragraph (a), clause (2), may serve as election judges in the same precinct, provided that they serve on separate shifts that do not run concurrently."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 455 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 39 and nays 28, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Jensen	Pappas	Skoe
Bonoff	Eaton	Johnson	Reinert	Sparks
Carlson	Eken	Kent	Rest	Stumpf
Champion	Franzen	Koenen	Saxhaug	Tomassoni
Clausen	Goodwin	Latz	Scalze	Torres Ray
Cohen	Hawj	Lourey	Schmit	Wiger
Dahle	Hayden	Marty	Sheran	Wiklund
Dibble	Hoffman	Metzen	Sieben	

Those who voted in the negative were:

Anderson	Gazelka	Limmer	Osmek	Senjem
Benson	Hall	Miller	Pederson, J.	Thompson
Brown	Hann	Nelson	Petersen, B.	Weber
Chamberlain	Housley	Newman	Pratt	Westrom
Dahms	Ingebrigtsen	Nienow	Rosen	
Fischbach	Kiffmeyer	Ortman	Ruud	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 303:

**H.F. No. 303:** A bill for an act relating to state government; appropriating money from the outdoor heritage fund, clean water fund, parks and trails fund, and arts and cultural heritage fund; establishing policy on milkweed; modifying provisions of Lessard-Sams Outdoor Heritage Council and Clean Water Council; modifying Water Law; modifying use of legacy funds; modifying previous appropriations; modifying certain grant eligibility; requiring a report; amending Minnesota Statutes 2014, sections 16B.24, by adding a subdivision; 85.53, subdivision 2; 97A.056, subdivisions 2, 8, 11, by adding subdivisions; 103A.206; 103B.101, by adding a subdivision; 103C.101, by adding a subdivision; 103C.401, subdivision 1; 103C.501, subdivision 5; 114D.30, subdivision 2; 114D.50, subdivision 4; 129D.17, subdivision 2; Laws 2012, chapter 264, article 1, section 2, subdivision 5; Laws 2013, chapter 137, article 2, section 6; article 3, section 4; Laws 2014, chapter 256, article 1, section 2, subdivision 5; Laws 2014, chapter 295, section 10, subdivision 12; proposing coding for new law in Minnesota Statutes, chapters 84; 103B.

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

Urdahl, McNamara, Torkelson, Heintzeman and Kahn have been appointed as such committee on the part of the House.

House File No. 303 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 11, 2015

Senator Cohen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 303, 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.

### **RECESS**

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

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

### **APPOINTMENTS**

Senator Bakk 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. 303: Senators Cohen, Scalze, Sieben, Stumpf and Fischbach.

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

### **MEMBERS EXCUSED**

Senators Hoffman and Schmit were excused from the Session of today from 11:00 to 11:30 a.m. Senator Westrom was excused from the Session of today from 11:00 to 11:55 a.m. Senator Bakk was excused from the Session of today from 11:30 a.m. to 2:45 p.m. and from 3:15 to 3:40 p.m. Senator Skoe was excused from the Session of today from 11:35 to 11:45 a.m. Senator Cohen was excused from the Session of today from 11:45 a.m. to 2:45 p.m. and from 3:15 to 3:40 p.m. Senator Senjem was excused from the Session of today from 12:50 to 1:00 p.m. Senator Reinert was excused from the Session of today from 1:00 to 1:05 p.m. Senator Lourey was excused from the Session of today from 1:00 to 3:15 p.m. Senator Hann was excused from the Session of today from 1:25 to 2:00 p.m.

### **ADJOURNMENT**

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Tuesday, May 12, 2015. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

