

SEVENTY-NINTH DAY

St. Paul, Minnesota, Monday, March 31, 2014

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, Pastor Tchamong Hurh.

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

The President declared a quorum present.

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

REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2806, 2793 and 1805. The motion prevailed.

Senator Latz from the Committee on Judiciary, to which was re-referred

S.F. No. 1246: A bill for an act relating to public safety; traffic regulations; clarifying requirements pertaining to collisions; making a terminology change; amending Minnesota Statutes 2012, sections 169.09; 609.21, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 169.09, is amended to read:

169.09 ACCIDENTS.

Subdivision 1. **Driver to stop for accident collision; injury or death with individual.** The driver of any motor vehicle involved in ~~an accident resulting in immediately demonstrable bodily injury to or death of any individual~~ a collision shall immediately stop the vehicle at the scene of the ~~accident~~ collision, or as close to the scene as possible ~~but shall then return to,~~ and reasonably investigate what was struck. If the driver knows or has reason to know the ~~collision~~ collision resulted in injury to or death of another, the driver in every event shall remain at the scene of the ~~accident~~, collision until the driver has fulfilled the requirements of this section as to the giving of information. The stop must be made without unnecessarily obstructing traffic.

Subd. 2. **Driver to stop for accident to property collision; attended vehicle.** The driver of any motor vehicle involved in ~~an accident to a vehicle driven or attended by any individual~~ a collision shall immediately stop the motor vehicle at the scene of the ~~accident~~ collision, or as close to the ~~accident collision~~ collision as possible ~~but shall forthwith return to,~~ and reasonably investigate what was struck. If the driver knows or has reason to know the ~~collision involves damage to a vehicle driven or attended by another,~~ the driver in every event shall remain at the scene of the ~~accident~~, collision until the driver has fulfilled the requirements of this section as to the giving of information. The stop must be made without unnecessarily obstructing traffic.

Subd. 3. **Driver to give information.** (a) The driver of any motor vehicle involved in ~~an accident resulting~~ a collision the driver knows or has reason to know results in bodily injury to or death of ~~any individual~~ another, or damage to any vehicle driven or attended by ~~any individual~~ another, shall ~~stop and~~ give the driver's name, address, and date of birth and the registration plate number of the vehicle being driven. The driver shall, upon request and if available, exhibit the driver's license or permit to drive to the individual struck or the driver or occupant of or individual attending any vehicle collided with. The driver also shall give the information and upon request exhibit the license or permit to any peace officer at the scene of the ~~accident~~ collision or who is investigating the ~~accident~~ collision. The driver shall render reasonable assistance to any individual injured in the ~~accident~~ collision.

(b) If not given at the scene of the ~~accident~~ collision, the driver, within 72 hours after the accident, shall give, on request to any individual involved in the ~~accident~~ collision or to a peace officer investigating the ~~accident~~ collision, the name and address of the insurer providing vehicle liability insurance coverage, and the local insurance agent for the insurer.

Subd. 4. ~~Collision with~~ **Driver to stop for collision; unattended vehicle.** The driver of any motor vehicle ~~that collides with and damages any vehicle that is unattended~~ involved in a collision shall immediately stop the vehicle at the scene of the collision, or as close to the scene as possible, and reasonably investigate what was struck. If the driver knows or has reason to know the collision resulted in damage to any unattended vehicle, the driver must either locate and notify the driver or owner of the vehicle of the name and address of the driver and registered owner of the vehicle striking the unattended vehicle, ~~shall~~ report this same information to a peace officer, or ~~shall~~ leave in a conspicuous place in or secured to the vehicle struck, a written notice giving the name and address of the driver and of the registered owner of the vehicle doing the striking. The stop must be made without unnecessarily obstructing traffic.

Subd. 5. **Notify owner of damaged property.** ~~If the driver of any vehicle involved in an accident resulting~~ a collision knows or has reason to know the collision resulted only in damage to fixtures legally upon or adjacent to a highway, the driver shall take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration plate number of the vehicle being driven and shall, upon request and if available, exhibit the driver's license, and make an accident report ~~report of the accident~~ in every case. The report must be made in the same manner as a report made pursuant to subdivision 7.

Subd. 5a. **Driver deemed agent of owner.** Whenever any motor vehicle shall be operated within this state, by any person other than the owner, with the consent of the owner, express or implied, the operator thereof shall in case of accident, be deemed the agent of the owner of such motor vehicle in the operation thereof.

Subd. 6. **Notice of personal injury.** The driver of a vehicle involved in ~~an accident~~ a collision resulting in bodily injury to or death of ~~any individual~~ another shall, after compliance with this section and by the quickest means of communication, ~~give notice of the accident~~ collision to the local police department if the ~~accident~~ collision occurs within a municipality, to a State Patrol officer if the ~~accident~~ collision occurs on a trunk highway, or to the office of the sheriff of the county.

Subd. 7. **Accident report to commissioner.** (a) The driver of a vehicle involved in an accident resulting in bodily injury to or death of any individual or total property damage to an apparent extent of \$1,000 or more, shall forward a written report of the accident to the commissioner of public safety within ten days of the accident. On the required report, the driver shall provide the commissioner with the name and policy number of the insurer providing vehicle liability insurance coverage at the time of the accident.

(b) On determining that the original report of any driver of a vehicle involved in an accident of which report must be made as provided in this section is insufficient, the commissioner of public safety may require the driver to file supplementary information.

Subd. 8. **Officer to report accident to commissioner.** A peace officer who, in the regular course of duty, investigates an accident that must be reported under this section shall, within ten days after the date of the accident, forward an electronic or written report of the accident as prescribed by the commissioner of public safety.

Subd. 9. **Accident report format.** The commissioner of public safety shall prescribe the format for the accident reports required under this section. Upon request the commissioner shall make available the format to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals. The electronic or written report to be completed by individuals involved in accidents and by investigating peace officers must disclose the causes, existing conditions, and the individuals and vehicles involved.

Subd. 11. **Coroner to report death.** Every coroner or other official performing like functions shall report in writing to the commissioner of public safety the death of any individual within the coroner's jurisdiction as the result of an accident involving a vehicle and the circumstances of the accident. The report must be made within 15 days after the death.

In the case of drivers killed in vehicle accidents and of the death of pedestrians 16 years of age or older, who die within four hours after an accident, the coroner or other official performing like functions shall examine the body and shall make tests as are necessary to determine the presence and percentage concentration of alcohol, and drugs if feasible, in the blood of the victim. This

information must be included in each report submitted pursuant to the provisions of this subdivision and shall be tabulated on a monthly basis by the commissioner of public safety. This information may be used only for statistical purposes that do not reveal the identity of the deceased.

Subd. 12. **Garage to report bullet damage.** The individual in charge of any garage or repair shop to which is brought any vehicle that shows evidence of having been struck by any bullet shall immediately report to the local police or sheriff and to the commissioner of public safety within 24 hours after the vehicle is received, giving the engine number if any, registration plate number, and the name and address of the registered owner or operator of the vehicle.

Subd. 13. **Reports confidential; evidence, fee, penalty, appropriation.** (a) All reports and supplemental information required under this section must be for the use of the commissioner of public safety and other appropriate state, federal, county, and municipal governmental agencies for accident analysis purposes, except:

(1) upon written request, the commissioner of public safety or any law enforcement agency shall disclose the report required under subdivision 8 to:

(i) any individual involved in the accident, the representative of the individual's estate, or the surviving spouse, or one or more surviving next of kin, or a trustee appointed under section 573.02;

(ii) any other person injured in person, property, or means of support, or who incurs other pecuniary loss by virtue of the accident;

(iii) legal counsel of a person described in item (i) or (ii); or

(iv) a representative of the insurer of any person described in item (i) or (ii);

(2) the commissioner of public safety shall, upon written request, provide the driver filing a report under subdivision 7 with a copy of the report filed by the driver;

(3) the commissioner of public safety may verify with insurance companies vehicle insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and 169.797;

(4) the commissioner of public safety shall provide the commissioner of transportation the information obtained for each traffic accident involving a commercial motor vehicle, for purposes of administering commercial vehicle safety regulations;

(5) upon specific request, the commissioner of public safety shall provide the commissioner of transportation the information obtained regarding each traffic accident involving damage to identified state-owned infrastructure, for purposes of debt collection under section 161.20, subdivision 4; and

(6) the commissioner of public safety may give to the United States Department of Transportation commercial vehicle accident information in connection with federal grant programs relating to safety.

(b) Accident reports and data contained in the reports are not discoverable under any provision of law or rule of court. No report shall be used as evidence in any trial, civil or criminal, or any action for damages or criminal proceedings arising out of an accident. However, the commissioner of public safety shall furnish, upon the demand of any person who has or claims to have made a report or upon demand of any court, a certificate showing that a specified accident report has or

has not been made to the commissioner solely to prove compliance or failure to comply with the requirements that the report be made to the commissioner.

(c) Nothing in this subdivision prevents any individual who has made a report under this section from providing information to any individuals involved in an accident or their representatives or from testifying in any trial, civil or criminal, arising out of an accident, as to facts within the individual's knowledge. It is intended by this subdivision to render privileged the reports required, but it is not intended to prohibit proof of the facts to which the reports relate.

(d) Disclosing any information contained in any accident report, except as provided in this subdivision, section 13.82, subdivision 3 or 6, or other statutes, is a misdemeanor.

(e) The commissioner of public safety shall charge authorized persons as described in paragraph (a) a \$5 fee for a copy of an accident report. Ninety percent of the \$5 fee collected under this paragraph must be deposited in the special revenue fund and credited to the driver services operating account established in section 299A.705 and ten percent must be deposited in the general fund. The commissioner may also furnish an electronic copy of the database of accident records, which must not contain personal or private data on an individual, to private agencies as provided in paragraph (g), for not less than the cost of preparing the copies on a bulk basis as provided in section 13.03, subdivision 3.

(f) The fees specified in paragraph (e) notwithstanding, the commissioner and law enforcement agencies shall charge commercial users who request access to response or incident data relating to accidents a fee not to exceed 50 cents per record. "Commercial user" is a user who in one location requests access to data in more than five accident reports per month, unless the user establishes that access is not for a commercial purpose. Of the money collected by the commissioner under this paragraph, 90 percent must be deposited in the special revenue fund and credited to the driver services operating account established in section 299A.705 and ten percent must be deposited in the general fund.

(g) The fees in paragraphs (e) and (f) notwithstanding, the commissioner shall provide an electronic copy of the accident records database to the public on a case-by-case basis using the cost-recovery charges provided for under section 13.03, subdivision 3. The database provided must not contain personal or private data on an individual. However, unless the accident records database includes the vehicle identification number, the commissioner shall include the vehicle registration plate number if a private agency certifies and agrees that the agency:

- (1) is in the business of collecting accident and damage information on vehicles;
- (2) will use the vehicle registration plate number only for identifying vehicles that have been involved in accidents or damaged, to provide this information to persons seeking access to a vehicle's history and not for identifying individuals or for any other purpose; and
- (3) will be subject to the penalties and remedies under sections 13.08 and 13.09.

Subd. 14. **Penalties.** (a) The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident collision is punishable as follows:

- (1) if the accident collision results in the death of any individual another, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both;

(2) if the accident collision results in great bodily harm to any individual another, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than two years, or to payment of a fine of not more than \$4,000, or both; or

(3) if the accident collision results in substantial bodily harm to any individual another, as defined in section 609.02, subdivision 7a, the driver may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(b) The driver of any vehicle involved in an accident a collision not resulting in substantial bodily harm to another or death who violates subdivision 1 or 6 may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(c) Any person who violates subdivision ~~2~~; 3, ~~4~~, 5, 7, 8, 11, or 12 is guilty of a misdemeanor.

(d) The driver of any vehicle involved in a collision resulting in damage to an attended vehicle who violates subdivision 2 is guilty of a misdemeanor.

(e) The driver of any vehicle involved in a collision resulting in damage to an unattended vehicle who violates subdivision 4 is guilty of a misdemeanor.

~~(d)~~(f) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Subd. 14a. **Suspension of license for failure to report accident.** The commissioner may suspend the license, or any nonresident's operating privilege, of any person who willfully fails, refuses, or neglects to make report of a traffic accident as required by the laws of this state. A license suspension under this section is subject to the notice requirements of section 171.18, subdivision 2.

Subd. 15. **Defense.** It is an affirmative defense to prosecution under subdivisions 1, 2, and 6 that the driver left the scene of the accident collision to take any individual suffering immediately demonstrable bodily injury in the accident collision to receive emergency medical care if the driver of the involved vehicle gives notice to a law enforcement agency as required by subdivision 6 as soon as reasonably feasible after the emergency medical care has been undertaken.

Subd. 16. **Commissioner as agent for service of process.** The use and operation by a resident of this state or the resident's agent, or by a nonresident or the nonresident's agent, of a motor vehicle within the state of Minnesota, is deemed an irrevocable appointment by the resident if absent from this state continuously for six months or more following an accident, or by the nonresident at any time, of the commissioner of public safety to be the resident's or nonresident's true and lawful attorney upon whom may be served all legal process in any action or proceeding against the resident or nonresident or the executor, administrator, or personal representative of the resident or nonresident growing out of the use and operation of a motor vehicle within this state, resulting in damages or loss to person or property, whether the damage or loss occurs on a highway or on abutting public or private property. This appointment is binding upon the nonresident's executor, administrator, or personal representative. The use or operation of a motor vehicle by the resident or nonresident is a signification of agreement that any process in any action against the resident or nonresident or executor, administrator, or personal representative of the resident or nonresident that is so served has the same legal force and validity as if served upon the resident or nonresident personally or on the executor, administrator, or personal representative of the resident or nonresident. Service of process must be made by serving a copy thereof upon the commissioner

or by filing a copy in the commissioner's office, together with payment of a fee of \$20, and is deemed sufficient service upon the absent resident or the nonresident or the executor, administrator, or personal representative of the resident or nonresident; provided that notice of service and a copy of the process are sent by mail by the plaintiff within ten days to the defendant at the defendant's last known address and that the plaintiff's affidavit of compliance with the provisions of this chapter is attached to the summons.

Subd. 17. **Information access by vehicle owners.** If an accident report has been prepared by a person involved in an accident and no report has been prepared by a law enforcement officer, the owners of the vehicles involved in an accident shall have the same access to information maintained by the Department of Public Safety, Driver and Vehicle Services Division, about the vehicles, their owners, and their drivers that would have been available to a law enforcement officer reporting on the accident.

Subd. 18. **Continuance of court proceeding; costs.** The court in which the action is pending may order a continuance as may be necessary to afford the defendant reasonable opportunity to defend the action, not exceeding 90 days from the date of filing of the action in that court. The fee of \$20 paid by the plaintiff to the commissioner at the time of service of the proceedings must be taxed in the plaintiff's cost if the plaintiff prevails in the suit. The commissioner shall keep a record of all processes so served, which must show the day and hour of service.

Subd. 19. **Terminology.** The provisions of this section apply equally whether the term "accident" or "collision" is used.

Sec. 2. Minnesota Statutes 2012, section 609.21, subdivision 1, is amended to read:

Subdivision 1. **Criminal vehicular homicide or operation; crime described.** A person is guilty of criminal vehicular homicide or operation and may be sentenced as provided in subdivision 1a, if the person causes injury to or the death of another as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
- (3) while having an alcohol concentration of 0.08 or more;
- (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;
- (7) where the driver who causes the accident collision leaves the scene of the accident collision in violation of section 169.09, subdivision 1 or 6; or

(8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury or death was caused by the defective maintenance."

Amend the title numbers accordingly

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

Senator Latz from the Committee on Judiciary, to which was re-referred

S.F. No. 2118: A bill for an act relating to education; adopting the interstate compact on educational opportunity for military children; requiring a military-connected youth identifier; amending Minnesota Statutes 2012, section 127A.70, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 127A.

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

Page 17, line 2, delete "binding" and insert "nonbinding"

Page 17, line 11, delete everything after the period

Page 17, delete line 12

Page 20, line 1, after the first "data" insert "on individuals, as defined in Minnesota Statutes, section 13.02, subdivision 12"

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

Senator Latz from the Committee on Judiciary, to which was re-referred

S.F. No. 2390: A bill for an act relating to elections; modifying provisions related to election administration; making technical changes to provisions related to voting, voter registration, ballots, and other election-related provisions; amending Minnesota Statutes 2012, sections 201.081; 201.091, subdivision 2; 201.13, subdivision 4; 203B.12, subdivision 7, by adding a subdivision; 203B.22; 204B.09, subdivision 3; 204B.19, subdivision 2; 204C.08, subdivision 1d; 204C.26, subdivision 1; 204D.13, subdivisions 1, 2; 204D.15, subdivision 1; 205.07, subdivision 1a; 205.13, subdivision 1; 370.05; 375A.12, subdivision 5; 412.091; Minnesota Statutes 2013 Supplement, sections 201.061, subdivision 3; 203B.04, subdivision 1; 204B.45, subdivision 2; 204B.46; 205A.05, subdivision 1; 368.47; proposing coding for new law in Minnesota Statutes, chapter 211C.

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

Senator Latz from the Committee on Judiciary, to which was re-referred

S.F. No. 1915: A bill for an act relating to campaign finance; amending prorating method for contributions or use of general treasury money; modifying definition of expressly advocating; providing for disclosure of electioneering communications; providing penalties; amending Minnesota Statutes 2012, section 10A.25, subdivision 3a; Minnesota Statutes 2013 Supplement, sections 10A.01, subdivision 16a; 10A.121, subdivision 1; 10A.20, subdivision 3; 10A.244; 10A.27, subdivision 15; proposing coding for new law in Minnesota Statutes, chapter 10A.

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

Page 5, delete lines 3 to 6

Page 5, line 7, delete "(4)" and insert "(3)"

Page 5, line 33, delete "(5)" and insert "(4)"

Page 5, line 35, delete "(6)" and insert "(5)"

Page 6, line 21, after the period, insert "When determining the number of persons to whom a communication in the form of printed material, electronic mail, or electronic text messaging is distributed, an association may exclude communications distributed to its own members."

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

Senator Latz from the Committee on Judiciary, to which was re-referred

S.F. No. 2227: A bill for an act relating to natural resources; modifying game and fish laws; modifying use of vehicles for hunting; modifying oversight committee provisions; modifying provisions for wildlife management areas; modifying license provisions and fees; modifying trespass provisions; modifying provisions for taking wild animals; authorizing nonlethal hazing of Canada geese; creating a shooting sports facility program; requiring certain permits; modifying requirements for game and fish contests; updating and eliminating certain obsolete language; modifying prior appropriations; requiring rulemaking; providing criminal penalties; appropriating money; amending Minnesota Statutes 2012, sections 84.154, subdivisions 1, 2, 3; 84.777, subdivision 2; 84.87, by adding a subdivision; 84.944, subdivision 2; 84A.10; 84A.50; 97A.025; 97A.055, subdivision 4b; 97A.131; 97A.137, subdivision 3, by adding a subdivision; 97A.311, subdivision 5, by adding a subdivision; 97A.405, subdivision 2; 97A.434, subdivision 1; 97A.473, subdivisions 2a, 2b, 5, 5a; 97A.502; 97B.001, subdivisions 3, 4, 7; 97B.031, subdivision 5; 97B.081, subdivision 3; 97B.086; 97B.095; 97B.516; 97B.605; 97B.655, subdivision 1; 97B.667, subdivisions 3, 4; 97B.731, subdivision 1; 97C.821; 349.173; Minnesota Statutes 2013 Supplement, sections 97A.475, subdivisions 2, 3; 97A.485, subdivision 6; Laws 2008, chapter 363, article 5, section 4, subdivision 7, as amended; proposing coding for new law in Minnesota Statutes, chapters 87A; 97B; 97C; repealing Minnesota Statutes 2012, sections 84.154, subdivision 5; 84A.04; 84A.08; 84A.11; 97A.081; 97A.083; 97A.445, subdivision 3; 97A.4742, subdivision 3; 97B.061; 97B.611; 97B.615; 97B.621, subdivisions 1, 4; 97B.625; 97B.631; 97B.635; 97B.711; 97B.715, subdivision 2; 97B.803; 97B.911; 97B.915; 97B.921; 97B.925; 97C.011; 97C.081, subdivision 5; 97C.827; Minnesota Rules, part 6100.5100.

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

Senator Latz from the Committee on Judiciary, to which was re-referred

S.F. No. 2288: A bill for an act relating to elections; providing for submission of voter registration and absentee ballot applications online; amending Minnesota Statutes 2012, sections 201.061, subdivision 1, by adding a subdivision; 201.071, subdivisions 1, 3; 201.081; 203B.04, by adding a subdivision; 203B.17; Minnesota Statutes 2013 Supplement, sections 201.275; 203B.04, subdivision 1.

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

Senator Marty from the Committee on Environment and Energy, to which was re-referred

S.F. No. 2819: A bill for an act relating to economic development; creating a green jobs deconstruction pilot program; appropriating money.

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

Page 2, line 5, after "create" insert "living wage"

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

Senator Marty from the Committee on Environment and Energy, to which was re-referred

S.F. No. 2555: A bill for an act relating to real property; prohibiting certain restrictions on the use of residential solar energy systems; amending Minnesota Statutes 2012, sections 515.07; 515B.2-103; 515B.3-102; proposing coding for new law in Minnesota Statutes, chapter 500.

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

Senator Marty from the Committee on Environment and Energy, to which was referred

S.F. No. 2806: A bill for an act relating to natural resources; modifying terminology; amending Minnesota Statutes 2012, section 97C.417.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar.

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

Senator Marty from the Committee on Environment and Energy, to which was referred

S.F. No. 2049: A bill for an act relating to energy; utilities; authorizing a bill for gas or electric services to include charges for certain conservation improvements; requiring a Sustainable Building 2030 incentive rate; requiring industrial energy efficiency plans to meet forecasted electric generation capacity needs; amending Minnesota Statutes 2012, sections 216B.241, by adding a subdivision; 216B.242, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 216B.241, is amended by adding a subdivision to read:

Subd. 5d. **On-bill repayment programs.** (a) For the purposes of this subdivision:

(1) "utility" means a public utility, municipal utility, or cooperative electric association that provides electric or natural gas service to retail customers; and

(2) "on-bill repayment program" means a program in which a utility collects on a customer's bill repayment of a loan to the customer by an eligible lender to finance the customer's investment in eligible energy conservation or renewable energy projects, and remits loan repayments to the lender.

(b) A utility may include as part of its conservation improvement plan an on-bill repayment program to enable a customer to finance eligible projects with installment loans originated by an eligible lender. An eligible project is one that is either an energy conservation improvement, or a project installed on the customer's site that uses an eligible renewable energy source as that term is defined in section 216B.2411, subdivision 2, paragraph (b), but does not include mixed municipal solid waste or refuse-derived fuel from mixed municipal solid waste. An eligible renewable energy source also includes solar thermal technology that collects the sun's radiant energy and uses that energy to heat or cool air or water, and meets the requirements of section 216C.25. To be an eligible lender, a lender must:

- (1) have a federal or state charter and be eligible for federal deposit insurance;
- (2) be a government entity, including an entity established under chapter 469, that has authority to provide financial assistance for energy efficiency and renewable energy projects;
- (3) a joint venture by utilities established under section 452.25; or
- (4) be licensed by the commissioner to conduct lending activities.

The commissioner must allow a utility broad discretion in designing and implementing an on-bill repayment program, provided that the program complies with this subdivision.

(c) A utility may establish an on-bill repayment program for all customer classes or for a specific customer class.

(d) A public utility that implements an on-bill repayment program under this subdivision must enter into a contract with one or more eligible lenders that complies with the requirements of this subdivision and contains provisions addressing capital commitments, loan origination, transfer of loans to the public utility for on-bill repayment, and acceptance of loans returned due to delinquency or default.

(e) A public utility's contract with a lender must require the lender to comply with all applicable federal and state laws, rules, and regulations related to lending practices and consumer protection; to conform to reasonable and prudent lending standards; and to provide businesses that sell, maintain, and install eligible projects the ability to participate in an on-bill repayment program under this subdivision on a nondiscriminatory basis.

(f) A public utility's contract with a lender may provide:

- (1) for the public utility to purchase loans from the lender with a condition that the lender must purchase back loans in delinquency or default; or
- (2) for the lender to retain ownership of loans with the public utility servicing the loans through on-bill repayment as long as payments are current.

The risk of default must remain with the lender. The lender shall not have recourse against the public utility except in the event of negligence or breach of contract by the utility.

(g) If a public utility customer makes a partial payment on a utility bill that includes a loan installment, the partial payment must be credited first to the amount owed for utility service, including taxes and fees. A public utility may not suspend or terminate a customer's utility service for delinquency or default on a loan that is being serviced through the public utility's on-bill repayment program.

(h) An outstanding balance on a loan being repaid under this subdivision is a financial obligation only of the customer who is signatory to the loan, and not to any subsequent customer occupying the property associated with the loan. If the public utility purchases loans from the lender as authorized under paragraph (f), clause (1), the public utility must return to the lender a loan not repaid when a customer borrower no longer occupies the property.

(i) Costs incurred by a public utility under this subdivision are recoverable as provided in section 216B.16, subdivision 6b, paragraph (c), including reasonable incremental costs for billing system modifications necessary to implement and operate an on-bill repayment program and for ongoing costs to operate the program. Costs in a plan approved by the commissioner may be counted toward a utility's conservation spending requirements under subdivisions 1a and 1b. Energy savings from energy conservation improvements resulting from this section may be counted toward satisfying a utility's energy-savings goals under subdivision 1c.

(j) This subdivision does not require a utility to terminate or modify an existing financing program and does not prohibit a utility from establishing an on-bill financing program in which the utility provides the financing capital.

(k) A municipal utility or cooperative electric association that implements an on-bill repayment program shall design the program to address the issues identified in paragraphs (d) through (h) as determined by the governing board of the utility or association.

Sec. 2. Minnesota Statutes 2012, section 216B.241, is amended by adding a subdivision to read:

Subd. 5e. **Commercial and multifamily rental buildings.** The commissioner shall solicit, after consulting with stakeholders about the terms of the solicitation, and may approve proposals for one or more utilities to voluntarily participate in a program that addresses energy efficiency in commercially or residentially-metered rental buildings, including multifamily residential buildings. A program may be included in a conservation improvement plan under this section, or proposed separately. If a program includes an on-bill repayment mechanism, it must, to the extent practical, utilize the criteria and standards of and must comply with the requirements of subdivision 5d, except that a mechanism may allow successor tenants to assume any balance of the loan paid through the utility bill, and may allow the building owner to assume the balance when the unit is empty. Participation in an on-bill repayment program under this subdivision is voluntary for building owners. The commissioner may only approve a program that includes an on-bill repayment mechanism requiring tenants occupying units in the building to repay a loan if the tenants agree to do so in writing.

Sec. 3. Minnesota Statutes 2012, section 216B.2422, is amended by adding a subdivision to read:

Subd. 2c. **Long-range emission reduction planning.** Each utility required to file a resource plan under this section shall include in the filing a narrative identifying and describing the costs, opportunities, and technical barriers to the utility continuing to make progress on its system toward achieving the state greenhouse gas emission reduction goals established in section 216H.02, subdivision 1, and the technologies, alternatives, and steps the utility is considering to address those opportunities and barriers."

Delete the title and insert:

"A bill for an act relating to utilities; authorizing on-bill repayment programs related to conservation improvement plans; requiring greenhouse gas reporting in integrated resource plan

filings; amending Minnesota Statutes 2012, sections 216B.241, by adding subdivisions; 216B.2422, by adding a subdivision."

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

Senator Marty from the Committee on Environment and Energy, to which was referred

S.F. No. 2793: A bill for an act relating to energy; modifying an existing microenergy loan program to include certain community energy projects; amending Minnesota Statutes 2012, sections 216C.145; 216C.146, subdivisions 1, 2, 3.

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

Page 1, line 7, strike "MICROENERGY" and delete "AND" and after "EFFICIENCY" insert "AND RENEWABLE ENERGY"

Page 1, line 15, strike "geothermal energy" and insert "ground source technology"

Page 1, line 21, strike "microenergy" and delete "and" and after "efficiency" insert "and renewable energy"

Page 2, lines 1 and 5, delete "small-scale"

Page 2, lines 3 and 10, strike "small-scale"

Page 2, line 4, after "businesses" insert ", including health care facilities,"

Page 2, after line 13, insert:

"(c) A local unit of government shall not require an industrial customer to release its energy usage data as part of a community energy efficiency project or loan under this section. Industrial energy usage data may only be released upon the express, written consent of the industrial customer."

Page 2, line 15, strike "small-scale renewable energy systems" and delete "and" and after "efficiency" insert "and renewable energy"

Page 2, line 16, after the period, insert "The commissioner shall not condition qualification of a community energy efficiency project for a loan under this section on the production of industrial energy usage data or aggregation of energy usage data that includes an industrial customer."

Page 3, line 1, strike "microenergy" and delete "and" and before "loan" insert "renewable energy"

Page 3, line 7, strike "microenergy" and delete "and" and before "loans" insert "renewable energy"

Page 3, delete sections 2 and 3 and insert:

"Sec. 2. Minnesota Statutes 2012, section 216C.146, is amended to read:

216C.146 MICROENERGY COMMUNITY ENERGY EFFICIENCY AND RENEWABLE ENERGY LOAN REVENUE BONDS.

Subdivision 1. **Bonding authority; definition.** (a) The commissioner of management and budget, if requested by the commissioner of commerce, shall sell and issue state revenue bonds for the following purposes:

(1) to make microenergy community energy efficiency and renewable energy loans under section 216C.145;

(2) to pay the costs of issuance, debt service, and bond insurance or other credit enhancements, and to fund reserves; and

(3) to refund bonds issued under this section.

(b) The aggregate principal amount of bonds for the purposes of paragraph (a), clause (1), that may be outstanding at any time may not exceed \$100,000,000, of which up to \$20,000,000 shall be reserved for business and public entity projects; the principal amount of bonds that may be issued for the purposes of paragraph (a), clauses (2) and (3), is not limited.

(c) For the purpose of this section, "commissioner" means the commissioner of management and budget.

Subd. 2. Procedure. The commissioner may sell and issue the bonds on the terms and conditions the commissioner determines to be in the best interests of the state. The bonds may be sold at public or private sale. The commissioner may enter into any agreements or pledges the commissioner determines necessary or useful to sell the bonds that are not inconsistent with section 216C.145. Sections 16A.672 to 16A.675 apply to the bonds. The proceeds of the bonds issued under this section must be credited to the microenergy community energy efficiency and renewable energy loan account created under section 216C.145.

Subd. 3. Revenue sources. The debt service on the bonds is payable only from the following sources:

(1) revenue credited to the microenergy community energy efficiency and renewable energy loan account from the sources identified in section 216C.145 or from any other source; and

(2) other revenues pledged to the payment of the bonds, including reserves established by a local government unit.

Subd. 4. Refunding bonds. The commissioner may issue bonds to refund outstanding bonds issued under subdivision 1, including the payment of any redemption premiums on the bonds and any interest accrued or to accrue to the first redemption date after delivery of the refunding bonds. The proceeds of the refunding bonds may, at the discretion of the commissioner, be applied to the purchases or payment at maturity of the bonds to be refunded, or the redemption of the outstanding bonds on the first redemption date after delivery of the refunding bonds and may, until so used, be placed in escrow to be applied to the purchase, retirement, or redemption. Refunding bonds issued under this subdivision must be issued and secured in the manner provided by the commissioner.

Subd. 5. Not a general or moral obligation. Bonds issued under this section are not public debt, and the full faith, credit, and taxing powers of the state are not pledged for their payment. The bonds may not be paid, directly in whole or in part from a tax of statewide application on any class of property, income, transaction, or privilege. Payment of the bonds is limited to the revenues explicitly authorized to be pledged under this section. The state neither makes nor has a moral obligation to pay the bonds if the pledged revenues and other legal security for them is insufficient.

Subd. 6. Trustee. The commissioner may contract with and appoint a trustee for bondholders. The trustee has the powers and authority vested in it by the commissioner under the bond and trust indentures.

Subd. 7. **Pledges.** A pledge made by the commissioner is valid and binding from the time the pledge is made. The money or property pledged and later received by the commissioner is immediately subject to the lien of the pledge without any physical delivery of the property or money or further act, and the lien of the pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the commissioner, whether or not those parties have notice of the lien or pledge. Neither the order nor any other instrument by which a pledge is created need be recorded.

Subd. 8. **Bonds; purchase and cancellation.** The commissioner, subject to agreements with bondholders that may then exist, may, out of any money available for the purpose, purchase bonds of the commissioner at a price not exceeding (1) if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date thereon, or (2) if the bonds are not redeemable, the redemption price applicable on the first date after the purchase upon which the bonds become subject to redemption plus accrued interest to that date.

Subd. 9. **State pledge against impairment of contracts.** The state pledges and agrees with the holders of any bonds that the state will not limit or alter the rights vested in the commissioner to fulfill the terms of any agreements made with the bondholders, or in any way impair the rights and remedies of the holders until the bonds, together with interest on them, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders, are fully met and discharged. The commissioner may include this pledge and agreement of the state in any agreement with the holders of bonds issued under this section."

Page 4, delete section 4

Amend the title numbers accordingly

And when so amended the bill do pass.

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

Senator Pappas from the Committee on State and Local Government, to which was referred

S.F. No. 2353: A bill for an act relating to transportation; motor vehicles; eliminating barriers to the purchase of cleaner fuel-powered motor vehicles by state agencies; amending Minnesota Statutes 2012, section 16C.135, subdivision 3.

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

Senator Pappas from the Committee on State and Local Government, to which was referred

S.F. No. 1805: A bill for an act relating to veterans; modifying veteran-owned small business certification for purposes of state procurement; requiring contract bid preference for veteran-owned small businesses in certain situations involving capital investment projects; appropriating money; amending Minnesota Statutes 2012, sections 16C.19; 375.771, subdivisions 1, 2; Minnesota Statutes 2013 Supplement, sections 469.44, by adding a subdivision; 471.3457.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 16C.16, subdivision 6a, is amended to read:

Subd. 6a. **Veteran-owned small businesses.** (a) Except when mandated by the federal government as a condition of receiving federal funds, the commissioner shall award up to a six percent preference, but no less than the percentage awarded to any other group under this section, in the amount bid on state procurement to certified small businesses that are majority-owned and operated by: veterans.

~~(1) recently separated veterans who have served in active military service, at any time on or after September 11, 2001, and who have been discharged under honorable conditions from active service, as indicated by the person's United States Department of Defense form DD-214 or by the commissioner of veterans affairs;~~

~~(2) veterans with service-connected disabilities, as determined at any time by the United States Department of Veterans Affairs; or~~

~~(3) any other veteran-owned small businesses certified under section 16C.19, paragraph (d).~~

(b) The purpose of this designation is to facilitate the transition of veterans from military to civilian life, and to help compensate veterans for their sacrifices, including but not limited to their sacrifice of health and time, to the state and nation during their military service, as well as to enhance economic development within Minnesota.

Sec. 2. Minnesota Statutes 2012, section 16C.19, is amended to read:

16C.19 ELIGIBILITY; RULES.

(a) A small business wishing to participate in the programs under section 16C.16, subdivisions 4 to 7, must be certified by the commissioner. The commissioner shall adopt by rule standards and procedures for certifying that ~~small businesses, small targeted group businesses, and small businesses located in economically disadvantaged areas, and veteran-owned small businesses~~ are eligible to participate under the requirements of sections 16C.16 to 16C.21. The commissioner shall adopt by rule standards and procedures for hearing appeals and grievances and other rules necessary to carry out the duties set forth in sections 16C.16 to 16C.21.

(b) The commissioner may make rules which exclude or limit the participation of nonmanufacturing business, including third-party lessors, brokers, franchises, jobbers, manufacturers' representatives, and others from eligibility under sections 16C.16 to 16C.21.

(c) The commissioner may make rules that set time limits and other eligibility limits on business participation in programs under sections 16C.16 to 16C.21.

(d) Notwithstanding paragraph (c), for purposes of sections 16C.16 to 16C.21, a veteran-owned small business, the principal place of business of which is in Minnesota, is certified if it has been verified by the United States Department of Veterans Affairs as being either a veteran-owned small business or a service-disabled veteran-owned small business, in accordance with Public Law 109-461 and Code of Federal Regulations, title 38, part 74. Until rules are adopted pursuant to paragraph (a) for the purpose of certifying veteran-owned small businesses, the provisions of Minnesota Rules, part 1230.1700, may be read to include veteran-owned small businesses. In addition to the documentation required in Minnesota Rules, part 1230.1700, the veteran owner must have been discharged under honorable conditions from active service, as indicated by the veteran owner's most current United States Department of Defense form DD-214."

Delete the title and insert:

"A bill for an act relating to veterans; modifying the process and requirements for certification as a veteran-owned small business that is eligible to receive a preference when bidding on state contracts; amending Minnesota Statutes 2012, sections 16C.16, subdivision 6a; 16C.19."

And when so amended the bill do pass.

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

Senator Pappas from the Committee on State and Local Government, to which was referred

S.F. No. 2642: A bill for an act relating to gambling; making clarifying, conforming, and technical changes relating to lawful gambling; modifying games, prizes, and regulatory provisions; amending Minnesota Statutes 2012, sections 349.12, subdivision 18, by adding a subdivision; 349.16, by adding a subdivision; 349.163, subdivision 3, by adding subdivisions; 349.1635, subdivision 4; 349.17, subdivisions 5, 6, 9; 349.1711, subdivisions 1, 2; 349.1721, subdivision 4; 349.173; 349.181, subdivision 3; 349.19, subdivision 11; 349.211, subdivisions 1, 1a, 2, by adding a subdivision; 349.2127, subdivision 7, by adding a subdivision; Minnesota Statutes 2013 Supplement, section 349.19, subdivision 2; repealing Minnesota Statutes 2012, sections 349.169; 349.19, subdivision 9.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2012, section 349.12, is amended by adding a subdivision to read:

Subd. 8a. **Continuation raffle.** "Continuation raffle" means the selection of winning entries from previously selected winning entries until a final selection of winning entries is determined and no additional consideration is required beyond the initial consideration to enter the raffle. A continuation raffle may be conducted over a period of time but cannot exceed 12 months.

Sec. 2. Minnesota Statutes 2012, section 349.12, subdivision 18, is amended to read:

Subd. 18. **Gambling equipment.** "Gambling equipment" means gambling equipment that is either disposable or permanent gambling equipment.

(a) Disposable gambling equipment includes the following:

- (1) bingo hard cards or paper sheets, including linked bingo paper sheets;
- (2) paper and electronic pull-tabs;
- (3) jar tickets;
- (4) paddle tickets and paddle ticket cards;
- (5) tipboards and tipboard tickets; ~~and~~
- (6) promotional tickets that mimic a pull-tab or tipboard;
- (7) raffle boards; and

(8) a disposable sealed placard, containing all 75 randomly placed bingo letter and number combinations, that, when opened, is used to select the bingo numbers in a single game of bingo.

(b) Permanent gambling equipment includes the following:

(1) devices for selecting bingo numbers;

(2) electronic bingo devices;

(3) electronic pull-tab devices;

(4) pull-tab dispensing devices;

(5) programmable electronic devices that have no effect on the outcome of a game and are used to provide a visual or auditory enhancement of a game;

(6) paddle wheels; and

(7) paddle wheel tables."

Page 2, after line 15, insert:

"Sec. 4. Minnesota Statutes 2012, section 349.12, is amended by adding a subdivision to read:

Subd. 33a. **Raffle board.** "Raffle board" means a placard with up to 200 squares whereby a participant in the raffle writes their name to indicate entry."

Page 2, delete section 4

Page 3, after line 20, insert:

"Sec. 9. Minnesota Statutes 2012, section 349.163, is amended by adding a subdivision to read:

Subd. 8a. **Raffle board standards.** (a) A manufacturer may not ship or cause to be shipped into this state or sell for use or resale in this state any raffle board that does not have affixed to or imprinted at the bottom a bar code that provides all information required by the commissioner of revenue under section 297E.04, subdivision 2. A person other than a manufacturer may not manufacture, alter, modify, or otherwise change a raffle board as allowed by this chapter or board rules.

(b) The raffle boards sold by a manufacturer for use or resale in Minnesota must have imprinted on it a symbol that is at least one inch high and one inch wide consisting of an outline of the geographic boundaries of Minnesota with the letters "MN" inside the outline and must have the serial number of the board imprinted on the bar code at the bottom of the board in numerals at least one-half inch high.

(c) A raffle board may not contain more than 200 squares."

Page 5, line 33, delete "The board may not require by rule that" and insert "Except for prize receipts required by section 349.19, subdivision 10," and after "organization" insert "is not required to"

Page 7, delete section 14 and insert:

"Sec. 16. Minnesota Statutes 2012, section 349.173, is amended to read:

349.173 CONDUCT OF RAFFLES.

(a) Raffle tickets or certificates of participation at a minimum must list the three most expensive prizes to be awarded and include the location, date, and time of the selection of the winning entries. If additional prizes will be awarded, a complete list of additional prizes must be publicly posted or visibly on display at the event and copies of the complete prize list made available upon request. Raffles conducted under the exemptions in section 349.166 may use tickets that contain only the sequential number of the raffle ticket and no other information if the organization makes a list of prizes, or visibly displays the prizes at the event, and a statement of other relevant information required by rule available to persons purchasing tickets and if tickets are only sold at the event and on the date when the tickets are drawn.

(b) Raffles must be conducted in a manner that ensures:

(1) all entries in the raffle have an equal chance of selection;

(2) entry in the raffle is not conditioned upon any other purchase, except that a certificate of participation may be a button with a nominal value of less than \$5;

(3) the method of selection is conducted in a public forum;

(4) the method of selection cannot be manipulated or based on the outcome of an event not under the control of the organization;

(5) physical presence at the raffle is not a requirement to win; and

(6) all sold and unsold tickets or certificates of participation are accounted for.

(c) Methods of selecting winning entries from a raffle other than prescribed in rule may be used with the prior written approval of the board."

Page 7, line 25, delete "The board may not require by rule that" and insert "Except for prize receipts required by section 349.19, subdivision 10," and after "organization" insert "is not required to"

Page 10, after line 2, insert:

"Sec. 19. Minnesota Statutes 2013 Supplement, section 349.19, subdivision 10, is amended to read:

Subd. 10. **Pull-tab records.** (a) The board shall by rule require a licensed organization to require each winner of a paper pull-tab prize of \$100 or more to present identification in the form of a driver's license, Minnesota identification card, or other identification the board deems sufficient to allow the identification and tracking of the winner. The rule must require the organization to retain winning paper pull-tabs of \$100 or more, and the identification of the winner of the pull-tab, for 3-1/2 years.

(b) A licensed organization must require each person cashing out an electronic pull-tab device with \$600 or more in credits to present identification in the form of a driver's license, Minnesota identification card, or other identification the board deems sufficient to allow the identification and tracking of the winner. The organization must retain the identification of the winner for 3-1/2 years.

(c) An organization must maintain separate cash banks for each deal of paper pull-tabs unless (1) the licensed organization uses a pull-tab dispensing device, or (2) the organization uses a cash register, of a type approved by the board, which records all sales of paper pull-tabs by separate deals.

(e) (d) The board shall:

(1) by rule adopt minimum technical standards for cash registers that may be used by organizations, and shall approve for use by organizations any cash register that meets the standards; and

(2) before allowing an organization to use a cash register that commingles receipts from several different paper pull-tab games in play, adopt rules that define how cash registers may be used and that establish a procedure for organizations to reconcile all pull-tab games in play at the end of each month."

Page 10, delete section 18 and insert:

"Sec. 21. Minnesota Statutes 2012, section 349.211, subdivision 1, is amended to read:

Subdivision 1. **Bingo.** Except as provided in subdivisions 1a, 1b, and 2, prizes for a single bingo game may not exceed \$200 except prizes for a cover-all or cover-none game, which may exceed \$200 if the aggregate value of all cover-all or cover-none prizes in a bingo occasion does not exceed \$1,000. Total prizes awarded at a bingo occasion may not exceed \$2,800, unless a cover-all and cover-none game is played in which case the limit is ~~\$3,800~~ \$4,800. A prize may be determined based on the value of the bingo packet sold to the player. For purposes of this subdivision, a cover-all game is one in which a player must cover all spaces except a single free space to win and includes a game in which all odd or all even numbers are designated by the organization as covered prior to the start of the game and a cover-none game is one in which a player does not cover any numbered spaces to win."

Page 12, after line 5, insert:

"Sec. 28. **EFFECTIVE DATE.**

Sections 1 to 27 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Pappas from the Committee on State and Local Government, to which was referred

S.F. No. 2352: A bill for an act relating to transportation; motor vehicles; modifying state SmartFleet requirements; requiring reports; amending Minnesota Statutes 2012, section 16C.137, subdivisions 1, 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 16C.137, subdivision 1, is amended to read:

Subdivision 1. **Goals and actions.** ~~(a) Using 2005 as a baseline, the state of Minnesota shall reduce the use of gasoline by on-road vehicles owned by state departments by 25 percent by 2010 and by 50 percent by 2015, and the use of petroleum-based diesel fuel in diesel-fueled vehicles by ten percent by 2010 and 25 percent by 2015.~~

~~(b) To meet the goals established in paragraph (a), Each state department must, whenever legally, technically, and economically feasible, subject to the specific needs of the department and responsible management of agency finances:~~

~~(1) ensure that all new on-road vehicles purchased, excluding emergency and law enforcement vehicles:~~

~~(i) use "cleaner fuels" as that term is defined in section 16C.135, subdivision 1, clauses (1), (3), and (4);~~

~~(ii) have fuel efficiency ratings that exceed 30 miles per gallon for city usage or 35 miles per gallon for highway usage, including but not limited to hybrid electric cars and hydrogen-powered vehicles; or~~

~~(iii) are powered solely by electricity;~~

~~(2) increase its use of renewable transportation fuels, including ethanol, biodiesel, and hydrogen from agricultural products; and~~

~~(3) increase its use of Web-based Internet applications and other electronic information technologies to enhance the access to and delivery of government information and services to the public, and reduce the reliance on the department's fleet for the delivery of such information and services.~~

Sec. 2. Minnesota Statutes 2012, section 16C.137, subdivision 2, is amended to read:

Subd. 2. **SmartFleet Committee Report.** ~~(a) The commissioner of administration, or the commissioner's designee, shall chair a SmartFleet Committee consisting of representatives designated by the commissioners of the Pollution Control Agency, the Departments of Agriculture and Commerce, and other state departments that wish to participate. To ensure effective and efficient state participation, the SmartFleet Committee must assist state departments in implementing the requirements of this section, including providing information, guidance, sample policies and procedures, and technical and planning assistance.~~

~~(b) The SmartFleet Committee commissioner of administration, in collaboration with the commissioners of the Pollution Control Agency, the Departments of Agriculture, Commerce, Natural Resources, and Transportation, and other state departments must evaluate the goals and directives established in this section, and report their findings to the governor and the appropriate committees of the legislature by December 2006 and periodically thereafter February 1 of each odd-numbered year. In the report, the committee may must make recommendations to the governor and appropriate committees of the legislature for new or adjusted goals and directives, or legislative initiatives, in light of the progress the state has made implementing this section; and of the availability of new or improved technologies.~~

~~(c) (b) For the systematic and efficient monitoring of progress in implementing this section by the SmartFleet Committee, The Department of Administration shall implement a fleet reporting and~~

information management system. Each department will use this management system to demonstrate its progress in complying with this section."

Amend the title numbers accordingly

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

Senator Pappas from the Committee on State and Local Government, to which was referred

S.F. No. 2887: A bill for an act relating to transportation; motor vehicles; eliminating barriers to the purchase of electric and plug-in hybrid electric vehicles by state agencies; amending Minnesota Statutes 2012, sections 16C.138, subdivision 2; 160.02, by adding a subdivision.

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

Senator Pappas from the Committee on State and Local Government, to which was referred

S.F. No. 2745: A bill for an act relating to state government operation; state debt collection; removing obsolete, redundant, and unnecessary laws administered by the Department of Revenue; amending Minnesota Statutes 2012, sections 16D.02, subdivisions 3, 6; 16D.04, subdivisions 3, 4; 16D.07; 16D.11, subdivisions 1, 3; 270A.03, subdivision 2.

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

Senator Latz from the Committee on Judiciary, to which was referred

S.F. No. 2466: A bill for an act relating to public safety; requiring law enforcement to secure a search warrant in order to receive cell phone tracking data; amending Minnesota Statutes 2012, section 626A.28, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 626A.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 626A.28, subdivision 3, is amended to read:

Subd. 3. **Records concerning electronic communication service or remote computing service.** (a) Except as provided in paragraph (b) or chapter 325M, a provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber to or customer of the service, not including the contents of communications covered by subdivision 1 or 2, to any person other than a governmental entity.

(b) A provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber to or customer of the service, not including the contents of communications covered by subdivision 1 or 2, to a governmental entity only when the governmental entity:

- (1) uses an administrative subpoena authorized by statute, or a grand jury subpoena;
- (2) obtains a warrant;
- (3) obtains a court order for such disclosure under subdivision 4; or

(4) has the consent of the subscriber or customer to the disclosure.

(c) A governmental entity receiving records or information under this subdivision is not required to provide notice to a subscriber or customer.

(d) Notwithstanding paragraph (b), a provider of electronic communication service or remote computing service may not disclose location information covered by section 626A.42 to a government entity except as provided in that section.

Sec. 2. [626A.42] ELECTRONIC DEVICE LOCATION INFORMATION.

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

(b) An "adverse result" occurs when notification of the existence of a search warrant results in:

(1) danger to the life or physical safety of an individual;

(2) a flight from prosecution;

(3) the destruction of or tampering with evidence;

(4) the intimidation of potential witnesses; or

(5) serious jeopardy to an investigation or undue delay of a trial.

(c) "Electronic communication service" has the meaning given in section 626A.01, subdivision 17.

(d) "Electronic device" means a device that enables access to or use of an electronic communication service, remote computing service, or location information service.

(e) "Government entity" means a state or local agency, including but not limited to a law enforcement entity or any other investigative entity, agency, department, division, bureau, board, or commission or an individual acting or purporting to act for or on behalf of a state or local agency.

(f) "Location information" means information concerning the location of an electronic device that, in whole or in part, is generated or derived from or obtained by the operation of an electronic device.

(g) "Location information service" means the provision of a global positioning service or other mapping, locational, or directional information service.

(h) "Remote computing service" has the meaning given in section 626A.34.

Subd. 2. **Search warrant required for location information.** (a) Except as provided in paragraph (b), a government entity may not obtain the location information of an electronic device without a search warrant. A warrant granting access to location information must be issued only if the government entity shows that there is probable cause the person who possesses an electronic device is committing, has committed, or is about to commit a crime.

(b) A government entity may obtain location information without a search warrant:

(1) when the electronic device is reported lost or stolen by the owner;

(2) in order to respond to the user's call for emergency services;

(3) with the informed, affirmative, documented consent of the owner or user of the electronic device;

(4) with the informed, affirmative consent of the legal guardian or next of kin of the owner or user if the owner or user is believed to be deceased or reported missing and unable to be contacted;
or

(5) when an emergency involving immediate danger of death or serious physical injury to a person who possesses an electronic communications device pursuant to sections 237.82 and 237.83 requires obtaining information relating to the emergency without delay, and the search is narrowly tailored to address the emergency.

(c) A government entity exercising the warrantless emergency search authority under paragraph (b), clause (5), must document the basis for determining that an emergency involving immediate danger of death or serious physical injury to a person requires obtaining, without delay, location information relating to the emergency and, not later than 48 hours after the date on which the government entity obtains access to location information, the government entity shall file with the appropriate court a signed, sworn statement of a supervisory official setting forth the grounds for the emergency access.

Subd. 3. **Time period and extensions.** (a) A search warrant issued under this section must authorize the collection of location information for a period not to exceed 60 days, or the period of time necessary to achieve the objective of the authorization, whichever is less.

(b) Extensions of a warrant may be granted, but only upon an application for an order and upon the judicial finding required by subdivision 2. The period of extension must be for a period not to exceed 60 days, or the period of time necessary to achieve the objective for which it is granted, whichever is less.

(c) Paragraphs (a) and (b) apply only to search warrants issued for the contemporaneous collection of electronic device location information.

Subd. 4. **Notice.** (a) Notice must be given to the owner or user of an electronic device whose location information was obtained by a government entity.

(b) Unless delayed notice is ordered under paragraph (c), the government entity shall provide notice to the owner or user that location information was obtained by the government entity from the owner's or user's electronic device within three days of obtaining the location information. The notice must be made by service or delivered by registered or first-class mail. The notice must contain the following information:

(1) the nature of the government entity inquiry, with reasonable specificity;

(2) the location information of the owner or user that was obtained by, supplied to, or requested by the government entity and the date on which it was obtained, provided, or requested;

(3) if location information was obtained from a provider of electronic communication service or other third party, the identity of the provider of electronic communication service or the third party from whom the information was obtained; and

(4) whether the notification was delayed pursuant to paragraph (c) and, if so, the court that granted the delay and the reasons for granting the delay.

(c) A government entity may include in the application for a warrant a request for an order to delay the notification required under this subdivision for a period not to exceed 90 days. The court shall issue the order if the court determines that there is reason to believe that notification may have an adverse result. Upon expiration of the period of delay granted under this subdivision and any extension granted under paragraph (e), the government entity shall provide the owner or user a copy of the warrant together with a notice pursuant to paragraph (b).

(d) A government entity may include in its application for a warrant a request for an order directing a provider of electronic communication service to which a warrant is directed not to notify any other person of the existence of the warrant for a period of not more than 90 days. The court shall issue the order if the court determines that there is reason to believe that notification of the existence of the warrant may have an adverse result.

(e) The court, upon application, may grant one or more extensions of orders granted under paragraph (c) or (d) for up to an additional 90 days.

Subd. 5. **Reporting.** (a) By January 31 of each calendar year, any judge issuing or denying a warrant or receiving a report of emergency access to location information under subdivision 2 during the preceding calendar year shall report on each warrant or notice of emergency access to the state court administrator:

- (1) the date the warrant was applied for or the notice was received;
- (2) the agency making the application or notice;
- (3) the offense, if any, specified in the warrant application, warrant, or notice;
- (4) the nature of the facilities from which, the place where, or the technique by which location information was to be obtained;
- (5) the expected number of devices about which location information was obtained;
- (6) whether the warrant was granted as applied for, was modified, or was denied; and
- (7) the period of disclosures authorized by the warrant, and the number and duration of any extensions of the warrant.

(b) In June of each year, beginning in 2014, the state court administrator shall transmit to the legislature a full and complete record concerning the number of applications for warrants authorizing or requiring the disclosure of location information, the number of times access to location information was obtained pursuant to subdivision 2, paragraph (b), clause (5), and the number of notices of emergency access received under subdivision 2, paragraph (b), during the preceding calendar year. The report shall include a summary and analysis of the data required to be filed with the state court administrator by paragraph (a). The state court administrator is authorized to issue binding regulations dealing with the content and form of the reports required to be filed by paragraph (a).

(c) In June of each year, beginning in 2014, a nonclassified summary of the report shall be made publicly available on the Web site for the state court administrator.

Subd. 6. **Prohibition on use of evidence.** (a) Except as proof of a violation of this section, no evidence obtained in violation of this section shall be admissible in any criminal, civil, administrative, or other proceeding.

(b) Any location information obtained pursuant to this chapter or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in a federal or state court unless each party, not less than ten days before the trial, hearing, or proceeding, has been furnished with a copy of the warrant, and accompanying application, under which the information was obtained. This ten-day period may be waived by the judge if the judge finds that it was not possible to furnish a party with the required information ten days before the trial, hearing, or proceeding and that a party will not be prejudiced by the delay in receiving the information."

Amend the title numbers accordingly

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

Senator Skoe from the Committee on Taxes, to which was re-referred

S.F. No. 767: A bill for an act relating to education; early childhood through grade 12 education; forecast adjustments; English learners; appropriating money; amending Minnesota Statutes 2012, sections 13.43, subdivision 16; 119A.50, subdivision 3; 120B.12; 122A.06, subdivision 4; 122A.14, subdivisions 2, 3; 122A.18, subdivisions 2a, 4; 122A.19; 122A.413, subdivision 2; 122A.414, subdivision 2; 122A.415, subdivision 1; 122A.60, subdivisions 1a, 2, 3; 122A.68, subdivision 3; 122A.74; 123A.05, subdivision 2; 123A.06, subdivision 2; 123A.485; 123A.64; 123B.04, subdivision 4; 123B.147, subdivision 3; 123B.71, subdivisions 8, 9; 124D.09, subdivisions 9, 13; 124D.111, by adding subdivisions; 124D.13, subdivisions 2, 4, 9, 13, by adding subdivisions; 124D.135, subdivisions 1, 3; 124D.15, subdivision 3; 124D.49, subdivision 3; 124D.52, as amended; 124D.522; 124D.531, subdivision 3; 124D.59, subdivision 2, by adding a subdivision; 124D.895; 124D.8955; 125A.08; 126C.10, subdivisions 25, 26, 28; 127A.45, subdivision 2; 129C.10, subdivision 3, by adding a subdivision; 298.28, subdivision 7a, as added; Minnesota Statutes 2013 Supplement, sections 120B.11; 120B.115; 120B.125; 120B.35, subdivision 3; 120B.36, subdivision 1; 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.40, subdivision 8; 122A.41, subdivision 5; 123B.53, subdivision 1; 123B.75, subdivision 5; 124D.11, subdivision 1; 124D.111, subdivision 1; 124D.165, subdivisions 3, 4, 5; 124D.531, subdivision 1; 124D.65, subdivision 5; 124D.862, subdivisions 1, 2; 125A.11, subdivision 1; 125A.76, subdivisions 1, 2a, 2b, 2c; 125A.79, subdivisions 1, 5, 8; 126C.05, subdivision 15; 126C.10, subdivisions 2a, 2d, 13a, 24, 31; 126C.17, subdivisions 6, 7b, 9, 9a; 126C.40, subdivision 1; 126C.44; 126C.48, subdivision 8; 127A.47, subdivision 7; 127A.70, subdivision 2; Laws 2013, chapter 116, article 1, section 58, subdivisions 2, 3, 4, 5, 6, 7, 11; article 3, section 37, subdivisions 3, 4, 5, 6, 8, 15, 20; article 4, section 9, subdivision 2; article 5, section 31, subdivisions 2, 3, 4, 5, 8; article 6, section 12, subdivisions 2, 3, 4, 6; article 7, section 21, subdivisions 2, 3, 4, 6, 7, 9; article 8, section 5, subdivisions 2, 4, 8, 9, 10, 11, 14; article 9, section 2; proposing coding for new law in Minnesota Statutes, chapters 123A; 129C; repealing Minnesota Statutes 2012, sections 122A.19, subdivision 3; 123B.71, subdivision 1.

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

Page 36, line 22, delete "\$15,364" and insert "\$15,315" and delete "\$15,070" and insert "\$15,043"

Page 55, line 6, delete "6,441,753,000" and insert "6,441,704,000"

Page 55, line 10, delete "\$5,852,658,000" and insert "\$5,852,609,000"

Page 56, after line 26, insert:

"The base for fiscal year 2016 and later is \$31,000,000."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1246, 2118, 2390, 1915, 2555, 2049, 2353, 2642, 2352, 2887 and 2745 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Latz and Limmer introduced—

S.F. No. 2929: A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2012, section 58A.12.

Referred to the Committee on Rules and Administration.

Senator Gazelka introduced—

S.F. No. 2930: A bill for an act relating to capital investment; appropriating money for the Camp Ripley/Veterans State Trail; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Gazelka introduced—

S.F. No. 2931: A bill for an act relating to taxation; property tax due dates; modifying penalties; amending Minnesota Statutes 2012, sections 273.125, subdivision 3; 277.01, subdivision 1; Minnesota Statutes 2013 Supplement, section 279.01, subdivision 1.

Referred to the Committee on Taxes.

Senator Ortman introduced—

S.F. No. 2932: A bill for an act relating to state lands; authorizing conveyance of certain tax-forfeited land that borders public water.

Referred to the Committee on Environment and Energy.

Senator Koenen introduced—

S.F. No. 2933: A bill for an act relating to courts; setting standards for expert witnesses in certain procedures; amending Minnesota Statutes 2012, section 595.02, by adding a subdivision.

Referred to the Committee on Judiciary.

Senator Rest introduced—

S.F. No. 2934: A bill for an act relating to taxation; sales and use; modifying exemption for data centers; amending Minnesota Statutes 2013 Supplement, section 297A.68, subdivision 42; Laws 2013, chapter 143, article 8, section 27.

Referred to the Committee on Taxes.

MOTIONS AND RESOLUTIONS

Senator Weber moved that the names of Senators Rosen and Dahms be added as co-authors to S.F. No. 1907. The motion prevailed.

Senator Hall moved that his name be stricken as a co-author to S.F. No. 2368. The motion prevailed.

Senator Eken moved that S.F. No. 2850 be withdrawn from the Committee on Jobs, Agriculture and Rural Development and re-referred to the Committee on Taxes. The motion prevailed.

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. 2385 and S.F. No. 1509.

SPECIAL ORDER

H.F. No. 2385: A bill for an act relating to civil actions; adjusting certain time limits relating to the certification of expert review because of recent amendments to the Minnesota Rules of Civil Procedure; amending Minnesota Statutes 2012, sections 145.682, subdivisions 2, 4; 544.42, subdivisions 2, 4.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1509: A bill for an act relating to state government; designating March 31 as Cesar Chavez Day; proposing coding for new law in Minnesota Statutes, chapter 10.

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 57 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Petersen, B.

So the bill passed and its title was agreed to.

MEMBERS EXCUSED

Senators Champion, Dahle, Housley, Limmer, Sparks and Weber were excused from the Session of today. Senator Ortman was excused from the Session of today from 11:20 to 11:30 a.m.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Tuesday, April 1, 2014. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

