

FORTY-FOURTH DAY

St. Paul, Minnesota, Wednesday, April 22, 2015

The Senate met at 12:00 noon 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. Phil Shaw.

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

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communication was received.

April 21, 2015

The Honorable Sandra L. Pappas  
President of the Senate

Dear Senator Pappas:

The Committee on Rules and Administration met on April 21, 2015, and by appropriate action made the following appointment:

Pursuant to Senate Rules

Rule 55: Subcommittee on Ethical Conduct - Remove Senator Fischbach and appoint Senator Kiffmeyer.

Sincerely,  
Thomas M. Bakk  
Chair, Committee on Rules and Administration  
State Senator, District 3

### 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. 2225:

**H.F. No. 2225:** A bill for an act relating to agriculture; appropriating money for avian influenza emergency response activities.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Bly, Hamilton and Miller have been appointed as such committee on the part of the House.

House File No. 2225 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 April 21, 2015

Senator Dahle moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2225, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 4.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted April 21, 2015

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 4:** A bill for an act relating to transportation; establishing a budget for transportation; appropriating money for transportation, including Department of Transportation, Metropolitan Council, and Department of Public Safety activities; amending various provisions governing

transportation policy and finance; establishing funds and accounts; requiring reports; authorizing sale and issuance of trunk highway bonds; amending Minnesota Statutes 2014, sections 16A.11, subdivision 3a; 16A.86, subdivision 2; 16A.88, subdivisions 1a, 2; 16E.15, subdivision 2; 117.036, subdivisions 2, 4; 160.20, subdivision 4; 160.27, by adding a subdivision; 161.04, by adding a subdivision; 161.231; 161.321, subdivisions 2a, 2c, 4; 162.07, subdivision 1a; 168.053, subdivision 1; 168.1299, subdivision 1; 169.475, subdivision 2; 169.49; 169.782, subdivisions 1, 2, 4; 169.79, subdivision 4; 169.81, by adding a subdivision; 169.865, subdivisions 1, 2, by adding a subdivision; 169.87, subdivision 6; 173.02, by adding a subdivision; 173.15; 174.40, by adding a subdivision; 174.636, by adding a subdivision; 174.92; 174.93, subdivision 1; 221.031, by adding a subdivision; 221.605, by adding a subdivision; 299A.465, subdivision 5, by adding a subdivision; 299D.085, subdivision 2; 299D.09; 360.305, subdivision 4; 398A.04, by adding a subdivision; 473.146, subdivision 4; 473.399, by adding a subdivision; 473.4051, subdivision 2; Laws 2009, chapter 158, section 10, as amended; Laws 2014, chapter 312, article 11, section 3; proposing coding for new law in Minnesota Statutes, chapters 16A; 160; 161; 162; 168; 174; 299F; repealing Minnesota Statutes 2014, section 299E.02.

Referred to the Committee on Finance.

### REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Reports 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. 1725** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1725	1360				

and that the above Senate File be indefinitely postponed.

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

#### **Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 878:** A bill for an act relating to criminal justice; modifying disaster assistance; appropriating money for courts, Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, sentencing guidelines, public safety, Peace Officer Standards and Training (POST) Board, Private Detective Board, human rights, and corrections; amending Minnesota Statutes 2014, sections 12.221, subdivision 6; 12B.15, subdivision 2, by adding a subdivision; 12B.25, subdivision 1; 12B.40; Laws 2013, chapter 86, article 1, section 9.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1  
PUBLIC SAFETY

Section 1. [5B.13] CRIMINAL PENALTY.

When the performance of any act is prohibited under this chapter as of February 1, 2015, but no criminal or civil penalty is provided, the commission of the act is a misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2015, and applies to acts committed on or after that date.

Sec. 2. [626.19] USE OF UNMANNED AERIAL VEHICLES.

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Adverse result" means:

- (1) endangering the life or physical safety of an individual;
- (2) flight from prosecution;
- (3) destruction of or tampering with evidence;
- (4) intimidation of potential witnesses; or
- (5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

(c) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1.

(d) "Unmanned aerial vehicle" or "UAV" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Subd. 2. Use of unmanned aerial vehicles limited. Except as provided in subdivision 3, a law enforcement agency may not operate a UAV without a search warrant issued under this chapter.

Subd. 3. Exceptions. (a) A law enforcement agency may operate a UAV and disclose information collected from the operation in an emergency situation that involves a reasonably likely threat to the life or safety of a person. A law enforcement agency that deploys a UAV under this paragraph must document the factual basis for the emergency on a form created for that purpose by the Bureau of Criminal Apprehension and submit a sworn statement with the district court setting forth the grounds for the emergency use not later than 48 hours after operation of the UAV commenced.

(b) A law enforcement agency may operate a UAV to collect information from a public area if a court, upon motion, determines that there are specific and articulable facts demonstrating reasonable suspicion of criminal activity, that the operation of the UAV will uncover this activity, and that alternative methods of data collection are either cost prohibitive or present a significant risk to any person's bodily safety. An order shall not be issued for a period greater than 48 hours. Extensions of an order may be granted but shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than 30 days.

(c) A law enforcement agency may operate a UAV to counter a high risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates this risk. A law enforcement agency that deploys a UAV under this paragraph must document the factual

basis for the use on a form created for that purpose by the Bureau of Criminal Apprehension and submit a sworn statement with the district court setting forth the grounds for the use not later than 48 hours after operation of the UAV commenced. The law enforcement agency may request that the form and statement be sealed. An order must be issued granting the request in whole or in part if the court finds reasonable grounds exist to believe that refusing the request may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation.

(d) A law enforcement agency may operate a UAV to prevent the loss of life and property in natural or man-made disasters and to facilitate the operational planning, rescue, and recovery operations in the aftermath of these disasters. A law enforcement agency that deploys a UAV under this paragraph must document the factual basis for the use on a form created for that purpose by the Bureau of Criminal Apprehension and submit a sworn statement with the district court setting forth the grounds for the use not later than 48 hours after operation of the UAV commenced.

Subd. 4. **Limitations on use.** (a) A law enforcement agency operating a UAV must fully comply with all Federal Aviation Administration requirements and guidelines.

(b) Acquisition of UAVs must be approved by the governmental entity overseeing the law enforcement agency.

(c) Unless specifically authorized in the warrant or order, a UAV shall be operated in a manner to collect data only on a clearly and narrowly defined target and to avoid data collection on individuals, homes, or areas other than the defined target.

(d) A law enforcement agency may not deploy facial recognition or other biometric-matching technology via a UAV unless expressly authorized to do so through a court order or warrant.

(e) UAVs may not be equipped with weapons.

Subd. 5. **Consensual disclosure of information.** A law enforcement agency may disclose or receive information about any person acquired through the operation of a UAV if the person has given written consent to the disclosure.

Subd. 6. **Data retention and classification.** (a) No data collected on an individual, home, or area other than the subject identified in the warrant or order may be used, copied, or disclosed for any purpose except as provided in subdivision 5. Notwithstanding section 138.17, the data must be deleted as soon as possible, and in no event later than 24 hours after collection.

(b) Data collected pursuant to this section is criminal investigative data under section 13.82, subdivision 7.

Subd. 7. **Evidence.** Information obtained or collected by a law enforcement agency in violation of this section is not admissible as evidence in a criminal prosecution in any court of law in this state.

Subd. 8. **Notice.** (a) Within a reasonable time but not later than 90 days after the court unseals a warrant under this subdivision, the issuing or denying judge shall cause to be served on the persons named in the warrant and the application an inventory that shall include notice of:

(1) the fact of the issuance of the warrant or the application;

(2) the date of the issuance and the period of authorized, approved, or disapproved collection of information, or the denial of the application; and

(3) the fact that during the period information was or was not collected.

(b) A warrant authorizing collection of information must direct that:

(1) the warrant be sealed for a period of 90 days or until the objective of the warrant has been accomplished, whichever is shorter; and

(2) the warrant be filed with the court administrator within ten days of the expiration of the warrant.

(c) The prosecutor may request that the warrant, supporting affidavits, and any order granting the request not be filed. An order must be issued granting the request in whole or in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable grounds exist to believe that filing the warrant may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation.

(d) The warrant must direct that following the commencement of any criminal proceeding utilizing evidence obtained in or as a result of the search, the supporting application or affidavit must be filed either immediately or at any other time as the court directs. Until such filing, the documents and materials ordered withheld from filing must be retained by the judge or the judge's designee.

Subd. 9. **Remedies for violation.** An aggrieved party may initiate a civil action against a law enforcement agency to obtain all appropriate relief to prevent or remedy a violation of this section.

Subd. 10. **Reporting.** (a) By January 15 of each year, each law enforcement agency that uses UAVs shall report to the commissioner of public safety the following information for the preceding calendar year:

(1) the number of times a UAV was used, organized by the types of incidents and the types of justification for deployment;

(2) the number of criminal investigations aided by the use of UAVs;

(3) the number of uses of UAVs for reasons other than criminal investigations; and

(4) the total cost of the agency's UAV program.

(b) By June 15 of each year, the commissioner of public safety shall compile a full and complete report summarizing the information submitted to the commissioner under paragraph (a), and submit the report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice and public safety issues and make the report public on the department's Web site.

(c) By January 15 of each year, any judge who has issued a warrant or order under this section that expired during the preceding year, or who has denied approval during that year, shall report to the state court administrator:

(1) the fact that a warrant, order, or extension was applied for;

(2) the kind of warrant, order, or extension applied for;

(3) the fact that the warrant, order, or extension was granted as applied for, was modified, or was denied;

(4) the period of UAV use authorized by the warrant or order, and the number and duration of any extensions of the warrant or order;

(5) the offense specified in the warrant, order, or application, or extension of a warrant or order; and

(6) the identity of the law enforcement agency making the application and the person authorizing the application.

(d) By June 15 of each year, the state court administrator shall transmit to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice and public safety issues and post on the Supreme Court's Web site a full and complete report concerning the number of applications for warrants or orders authorizing or approving operation of UAVs or disclosure of information from the operation of UAVs under this section and the number of warrants, orders, and extensions granted or denied under this section during the preceding calendar year. The report must include a summary and analysis of the data required to be filed with the state court administrator by paragraph (c).

**Sec. 3. [626.891] PEACE OFFICER-INVOLVED INCIDENTS; OUTSIDE INVESTIGATION REQUIRED.**

Subdivision 1. **Definitions.** As used in this section: (1) "deadly force" has the meaning given in section 609.066, subdivision 1; (2) "great bodily harm" has the meaning given in section 609.02, subdivision 8; (3) "law enforcement agency" has the meaning given in section 626.84, subdivision 1, paragraph (f); (4) "officer-involved incident" means the use of deadly force by a peace officer while the officer is on duty or off duty but performing activities that are within the scope of the officer's law enforcement duties that results in great bodily harm or death of another; and (5) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph (c).

Subd. 2. **Officer-involved incident investigations.** The chief law enforcement officer of a law enforcement agency shall ensure that when a peace officer employed by the agency is involved in an officer-involved incident, an investigation into the incident occurs and is conducted by a law enforcement agency other than the agency that employs the officer. If the officer-involved incident involves a peace officer employed by the Minneapolis or St. Paul Police Department, the required investigation must be conducted by the Bureau of Criminal Apprehension. The agency conducting an investigation under this subdivision must expeditiously provide a complete report to the county attorney of the county in which the officer-involved incident occurred. An internal investigation into the officer-involved incident may be completed by the law enforcement agency that employs the officer involved in the incident if the internal investigation does not interfere with the outside investigation conducted under this subdivision.

Subd. 3. **Release of report.** If the county attorney determines there is no basis to prosecute the peace officer involved in the officer-involved incident, the attorney shall inform the law enforcement agency that conducted the investigation of this determination and the agency shall release the report to the public.

Sec. 4. Minnesota Statutes 2014, section 645.241, is amended to read:

**645.241 PUNISHMENT FOR PROHIBITED ACTS.**

(a) ~~Except as provided in paragraph (b),~~ When the performance of any act is prohibited by a statute, and no penalty for the violation of the same shall be imposed in any statute, the doing of such act shall be a petty misdemeanor.

~~(b) When the performance of any act is prohibited by a statute enacted or amended after September 1, 2014, and no penalty for the violation of the same shall be imposed in any statute, the doing of such act shall be a petty misdemeanor.~~

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts committed on or after that date.

**ARTICLE 2**

**JUVENILE JUSTICE**

Section 1. Minnesota Statutes 2014, section 244.05, subdivision 4, is amended to read:

Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2, paragraph (a), must not be given supervised release under this section.

(b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence under section 609.185, clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, must not be given supervised release under this section without having served a minimum term of 30 years.

(c) An inmate serving a mandatory life sentence under section 609.385 must not be given supervised release under this section without having served a minimum term of imprisonment of 17 years.

(d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3 or 4, must not be given supervised release under this section without having served the minimum term of imprisonment specified by the court in its sentence.

(e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3, or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this section without having served a minimum term of imprisonment of 20 years.

(f) An inmate serving a mandatory life sentence for a crime described in paragraph (b) who was under 18 years of age at the time of the commission of the offense requiring the life sentence, and who was certified under section 260B.125 or designated an extended jurisdiction juvenile under section 260B.130, must not be given supervised release under this section without having served a minimum term of imprisonment of 20 years.

**EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day following final enactment and applies to offenders sentenced on or after that date, and also retroactively to offenders sentenced to life without release before that date.

Sec. 2. Minnesota Statutes 2014, section 244.05, subdivision 5, is amended to read:

Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections may, under rules promulgated by the commissioner, give supervised release to an inmate serving a mandatory life sentence under section 609.185, clause (3), (5), or (6); 609.106, subdivision 3; 609.3455, subdivision 2, paragraph (c), 3, or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum term of imprisonment specified in subdivision 4.

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

(c) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's supervised release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be given supervised release at this time. The commissioner must consider the victim's statement when making the supervised release decision.

(d) When considering whether to give supervised release to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at a minimum, the following: the risk the inmate poses to the community if released, the inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or other diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant conduct of the inmate while incarcerated or before incarceration. The commissioner may not give supervised release to the inmate unless:

(1) while in prison:

(i) the inmate has successfully completed appropriate sex offender treatment;

(ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has successfully completed chemical dependency treatment; and

(iii) the inmate has been assessed for mental health needs and, if appropriate, has successfully completed mental health treatment; and

(2) a comprehensive individual release plan is in place for the inmate that ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment. The comprehensive plan also must include a postprison employment or education plan for the inmate.

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

**EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day following final enactment and applies to offenders sentenced on or after that date, and also retroactively to offenders sentenced to life without release before that date.

Sec. 3. Minnesota Statutes 2014, section 260B.001, subdivision 2, is amended to read:

Subd. 2. **Delinquency.** The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety ~~and reduce~~ by reducing juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

Sec. 4. **[260B.008] USE OF RESTRAINTS.**

(a) As used in this section, "restraints" means a mechanical or other device that constrains the movement of a person's body or limbs.

(b) Restraints may not be used on a child appearing in court in a proceeding under this chapter unless the court finds that:

(1) the use of restraints is necessary:

(i) to prevent physical harm to the child or another; or

(ii) to prevent the child from fleeing in situations in which the child presents a substantial risk of flight from the courtroom; and

(2) there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another, including, but not limited to, the presence of court personnel, law enforcement officers, or bailiffs.

The finding in clause (1), item (i), may be based, among other things, on the child having a history of disruptive courtroom behavior or behavior while in custody for any current or prior offense that has placed others in potentially harmful situations, or presenting a substantial risk of inflicting physical harm on the child or others as evidenced by recent behavior.

(c) The court shall be provided the child's behavior history and shall provide the child an opportunity to be heard in person or through counsel before ordering the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.

Sec. 5. Minnesota Statutes 2014, section 260B.125, is amended by adding a subdivision to read:

Subd. 11. **Applicability of mandatory minimum sentences.** Notwithstanding any other law to the contrary, when a person who has been convicted of an offense that has been certified under this section is sentenced, the sentencing court is not required to sentence the person under the terms of a mandatory minimum sentence that would otherwise be applicable to the offense.

Sec. 6. Minnesota Statutes 2014, section 260B.130, subdivision 4, is amended to read:

Subd. 4. **Disposition.** (a) If an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall:

(1) impose one or more juvenile dispositions under section 260B.198; and

(2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the offender not violate the provisions of the disposition order and not commit a new offense.

(b) If a child prosecuted as an extended jurisdiction juvenile after designation by the prosecutor in the delinquency petition is convicted of an offense after trial that is not an offense described in subdivision 1, clause (2), the court shall adjudicate the child delinquent and order a disposition under section 260B.198. If the extended jurisdiction juvenile proceeding results in a guilty plea for an offense not described in subdivision 1, clause (2), the court may impose a disposition under paragraph (a) if the child consents.

(c) Notwithstanding any other law to the contrary, when imposing an adult sentence under paragraph (a), clause (2), the court is not required to sentence the child under the terms of a mandatory minimum sentence that would otherwise be applicable to the offense.

**Sec. 7. [260B.1755] LAW ENFORCEMENT DIVERSION OF NONVIOLENT JUVENILE OFFENDERS AUTHORIZED.**

(a) A peace officer may refer a child that the officer has the lawful authority to arrest or has arrested to a diversion program that the law enforcement agency with jurisdiction over the child deems appropriate.

(b) This section applies only to nonviolent offenses and does not apply to peace officers acting pursuant to an order or warrant described in section 260B.175, subdivision 1, paragraph (a), or other court order to take a child into custody.

(c) A diversion program authorized by this section may defer prosecution of juvenile offenders who agree to complete appropriate conditions. Upon completion of the conditions, the charge shall be dismissed. Both petty offenders and delinquents may be diverted.

Sec. 8. Minnesota Statutes 2014, section 609.106, subdivision 2, is amended to read:

Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall sentence a person to life imprisonment without possibility of release under the following circumstances:

(1) the person is convicted of first-degree murder under section 609.185, paragraph (a), clause (1), (2), (4), or (7);

(2) the person is convicted of committing first-degree murder in the course of a kidnapping under section 609.185, clause (3); or

(3) the person is convicted of first-degree murder under section 609.185, clause (3), (5), or (6), and the court determines on the record at the time of sentencing that the person has one or more previous convictions for a heinous crime.

**EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day following final enactment and applies to offenders sentenced on or after that date, and also retroactively to offenders sentenced to life without release before that date.

Sec. 9. Minnesota Statutes 2014, section 609.106, is amended by adding a subdivision to read:

**Subd. 3. Offender under age 18; life imprisonment with possibility of release.** If the defendant was under 18 years of age at the time of the commission of an offense that would require a life without release sentence under subdivision 2, and the child has been certified under section

260B.125 or designated an extended jurisdiction juvenile under section 260B.130, the court shall sentence the defendant to imprisonment for life.

**EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day following final enactment and applies to offenders sentenced on or after that date, and also retroactively to offenders sentenced to life without release before that date.

Sec. 10. Minnesota Statutes 2014, section 609.3455, subdivision 2, is amended to read:

Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person convicted under section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or 609.343, subdivision 1, paragraph (c), (d), (e), (f), or (h), to life without the possibility of release if:

(1) the fact finder determines that two or more heinous elements exist; or

(2) the person has a previous sex offense conviction for a violation of section 609.342, 609.343, or 609.344, and the fact finder determines that a heinous element exists for the present offense.

(b) A fact finder may not consider a heinous element if it is an element of the underlying specified violation of section 609.342 or 609.343. In addition, when determining whether two or more heinous elements exist, the fact finder may not use the same underlying facts to support a determination that more than one element exists.

(c) If the defendant was under 18 years of age at the time of the commission of an offense that would require a life without release sentence under paragraph (a), and the child has been certified under section 260B.125 or designated an extended jurisdiction juvenile under section 260B.130, the court shall sentence the defendant to imprisonment for life.

**EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day following final enactment and applies to offenders sentenced on or after that date, and also retroactively to offenders sentenced to life without release before that date.

Sec. 11. **RULE SUPERSEDED.**

Minnesota Rules of Juvenile Procedure, rule 2.03, subdivision 1, is superseded to the extent it conflicts with section 4.

Sec. 12. **COMPLIANCE WITH JUVENILE RESTRAINT PROVISION.**

By July 1, 2016, each judicial district shall develop a protocol to address how to implement and comply with section 4. In developing the protocol, a district shall consult with law enforcement agencies, prosecutors, and public defenders within the district, as well as any other entity deemed necessary by the district's chief judge.

Sec. 13. **LEGISLATIVE FINDINGS AND INTENT.**

The legislature finds that emerging research on brain development indicates that adolescent brains, and thus adolescent intellectual and emotional capabilities, differ significantly from those of mature adults. It is appropriate to take these differences into consideration when sentencing extended jurisdiction juveniles and juveniles tried as adults. The legislature further finds that requiring mandatory minimum sentences for these juveniles prevents judges from taking these

differences into consideration in appropriate circumstances. The legislature intends to eliminate the nondiscretionary application of mandatory minimum sentences to extended jurisdiction juveniles and to juveniles tried as adults while continuing to apply all other adult sentencing provisions to these juveniles.

### ARTICLE 3 FORFEITURE

Section 1. Minnesota Statutes 2014, section 6.74, is amended to read:

#### **6.74 INFORMATION COLLECTED FROM LOCAL GOVERNMENTS.**

Subdivision 1. **General reporting requirements.** The state auditor, or a designated agent, shall collect annually from all city, county, and other local units of government, information as to the assessment of property, collection of taxes, receipts from licenses and other sources including administrative fines assessed and collected pursuant to section 169.999, the expenditure of public funds for all purposes, borrowing, debts, principal and interest payments on debts, and such other information as may be needful.

Subd. 2. **Annual forfeiture expenditures reporting.** Each appropriate agency and prosecuting authority required to report to the state auditor under section 609.5315, subdivision 6, shall annually report the total dollar amount of expenditures in each of the following four categories that were made using forfeiture funds during the reporting period:

- (1) substance abuse prevention programs, gang programs, informant fees, buy money, witness protection, and victim reparation;
- (2) travel, meals, entertainment, training, and conferences;
- (3) vehicles, canines, firearms, police equipment, furniture, computers, office equipment, and other capital equipment; and
- (4) other uses.

Subd. 3. **Forms; state auditor examinations.** The data shall be supplied upon forms prescribed by the state auditor, and all public officials so called upon shall fill out properly and return promptly all forms so transmitted. The state auditor or assistants, may examine local records in order to complete or verify the information.

**EFFECTIVE DATE.** This section applies to reporting of financial information for years ending on or after December 31, 2016.

Sec. 2. Minnesota Statutes 2014, section 84.7741, subdivision 10, is amended to read:

Subd. 10. **Disposition of forfeited vehicle.** (a) If the vehicle is administratively forfeited under subdivision 8, or if the court finds under subdivision 9 that the vehicle is subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

- (1) sell the vehicle and distribute the proceeds under paragraph (b); or
- (2) keep the vehicle for official use. If the agency keeps a forfeited off-highway vehicle for official use, the agency shall make reasonable efforts to ensure that the off-highway vehicle is

available for use by the agency's officers who participate in off-highway vehicle enforcement or education programs.

(b) The proceeds from the sale of forfeited vehicles, after payment of seizure, towing, storage, forfeiture, and sale expenses and satisfaction of valid liens against the property, must be distributed as follows:

(1) 70 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the state or local agency's operating fund or similar fund for use in purchasing equipment for off-highway vehicle enforcement, training, and education; and

(2) 30 percent of the money or proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes.

(c) If a vehicle is sold under paragraph (a), the appropriate agency shall not sell the vehicle to: (1) an officer or employee of the agency that seized the property or to a person related to the officer or employee by blood or marriage; or (2) the prosecuting authority or any individual working in the same office or a person related to the authority or individual by blood or marriage.

(d) Sales of forfeited vehicles under this section must be conducted in a commercially reasonable manner.

(e) If a vehicle is forfeited administratively under this section and no demand for judicial determination is made, the appropriate agency shall provide the prosecuting authority with a copy of the forfeiture or evidence receipt, the notice of seizure and intent to forfeit, a statement of probable cause for forfeiture of the property, and a description of the property and its estimated value. Upon review and certification by the prosecuting authority that (1) the appropriate agency provided a receipt in accordance with subdivision 2, paragraph (c), (2) the appropriate agency served notice in accordance with subdivision 8, and (3) probable cause for forfeiture exists based on the officer's statement, the appropriate agency may dispose of the property in any of the ways listed in this subdivision.

(f) The appropriate agency or prosecuting authority may not use the proceeds from the sale of forfeited vehicles to pay base salaries, benefits, overtime, or bonuses to personnel, or to pay a private attorney for services related to forfeiture litigation.

Sec. 3. Minnesota Statutes 2014, section 169A.60, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given in this subdivision.

(b) "Family or household member" has the meaning given in section 169A.63, subdivision 1 means:

(1) a parent, stepparent, or guardian;

(2) any of the following persons related by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or

(3) persons residing together or persons who regularly associate and communicate with one another outside of a workplace setting.

(c) "Motor vehicle" means a self-propelled motor vehicle other than a motorboat in operation or an off-road recreational vehicle.

(d) "Plate impoundment violation" includes:

(1) a violation of section 169A.20 (driving while impaired) or 169A.52 (license revocation for test failure or refusal), or an ordinance from this state or a statute or ordinance from another state in conformity with either of those sections, that results in the revocation of a person's driver's license or driving privileges, within ten years of a qualified prior impaired driving incident;

(2) a license disqualification under section 171.165 (commercial driver's license disqualification) resulting from a violation of section 169A.52 within ten years of a qualified prior impaired driving incident;

(3) a violation of section 169A.20 or 169A.52 while having an alcohol concentration of twice the legal limit or more as measured at the time, or within two hours of the time, of the offense;

(4) a violation of section 169A.20 or 169A.52 while having a child under the age of 16 in the vehicle if the child is more than 36 months younger than the offender; or

(5) a violation of section 171.24 (driving without valid license) by a person whose driver's license or driving privileges have been canceled or denied under section 171.04, subdivision 1, clause (10) (persons not eligible for driver's license, inimical to public safety).

(e) "Violator" means a person who was driving, operating, or in physical control of the motor vehicle when the plate impoundment violation occurred.

Sec. 4. Minnesota Statutes 2014, section 169A.63, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given them.

(b) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense or to require a test under section 169A.51 (chemical tests for intoxication).

(c) "Claimant" means an owner of a motor vehicle or a person claiming a leasehold or security interest in a motor vehicle.

(d) "Designated license revocation" includes a license revocation under section 169A.52 (license revocation for test failure or refusal) or a license disqualification under section 171.165 (commercial driver's license disqualification) resulting from a violation of section 169A.52; within ten years of the first of two or more qualified prior impaired driving incidents.

(e) "Designated offense" includes:

(1) a violation of section 169A.20 (driving while impaired) under the circumstances described in section 169A.24 (first-degree driving while impaired), or 169A.25 (second-degree driving while impaired); or

(2) a violation of section 169A.20 or an ordinance in conformity with it:

(i) by a person whose driver's license or driving privileges have been canceled as inimical to public safety under section 171.04, subdivision 1, clause (10), and not reinstated; or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 (commissioner's license restrictions), which provides that the person may not use or consume any amount of alcohol or a controlled substance.

(f) ~~"Family or household member" means:~~

~~(1) a parent, stepparent, or guardian;~~

~~(2) any of the following persons related by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or~~

~~(3) persons residing together or persons who regularly associate and communicate with one another outside of a workplace setting.~~

(g) "Motor vehicle" and "vehicle" do not include a vehicle which is stolen or taken in violation of the law.

~~(h)~~(g) "Owner" means a person legally entitled to possession, use, and control of a motor vehicle, including a lessee of a motor vehicle if the lease agreement has a term of 180 days or more. There is a rebuttable presumption that a person registered as the owner of a motor vehicle according to the records of the Department of Public Safety is the legal owner. For purposes of this section, if a motor vehicle is owned jointly by two or more people, each owner's interest extends to the whole of the vehicle and is not subject to apportionment.

~~(i)~~(h) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense or a designee. If a state agency initiated the forfeiture, and the attorney responsible for prosecuting the designated offense declines to pursue forfeiture, the Attorney General's Office or its designee may initiate forfeiture under this section.

~~(j)~~(i) "Security interest" means a bona fide security interest perfected according to section 168A.17, subdivision 2, based on a loan or other financing that, if a vehicle is required to be registered under chapter 168, is listed on the vehicle's title.

Sec. 5. Minnesota Statutes 2014, section 169A.63, subdivision 7, is amended to read:

Subd. 7. **Limitations on vehicle forfeiture.** (a) A vehicle is presumed subject to forfeiture under this section if:

(1) the driver is convicted of the designated offense upon which the forfeiture is based;

(2) the driver fails to appear for a scheduled court appearance with respect to the designated offense charged and fails to voluntarily surrender within 48 hours after the time required for appearance; or

(3) the driver's conduct results in a designated license revocation and the driver fails to seek judicial review of the revocation in a timely manner as required by section 169A.53, subdivision 2, (petition for judicial review), or the license revocation is judicially reviewed and sustained under section 169A.53, subdivision 2.

~~(b) A vehicle encumbered by a security interest perfected according to section 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more, is subject to the interest of~~

the secured party or lessor unless the party or lessor had knowledge of or consented to the act upon which the forfeiture is based. However, when the proceeds of the sale of a seized vehicle do not equal or exceed the outstanding loan balance, the appropriate agency shall remit all proceeds of the sale to the secured party after deducting the agency's costs for the seizure, tow, storage, forfeiture, and sale of the vehicle. If the sale of the vehicle is conducted in a commercially reasonable manner consistent with the provisions of section 336.9-610, the agency is not liable to the secured party for any amount owed on the loan in excess of the sale proceeds. The validity and amount of a nonperfected security interest must be established by its holder by clear and convincing evidence. The limitations and defenses in section 609.531, subdivisions 9 and 10, apply to forfeitures under this section.

(c) Notwithstanding paragraph (b), the secured party's or lessor's interest in a vehicle is not subject to forfeiture based solely on the secured party's or lessor's knowledge of the act or omission upon which the forfeiture is based if the secured party or lessor demonstrates by clear and convincing evidence that the party or lessor took reasonable steps to terminate use of the vehicle by the offender.

(d) A motor vehicle is not subject to forfeiture under this section if its owner can demonstrate by clear and convincing evidence that the owner did not have actual or constructive knowledge that the vehicle would be used or operated in any manner contrary to law or that the owner took reasonable steps to prevent use of the vehicle by the offender. If the offender is a family or household member of the owner and has three or more prior impaired driving convictions, the owner is presumed to know of any vehicle use by the offender that is contrary to law. "Vehicle use contrary to law" includes, but is not limited to, violations of the following statutes:

- (1) section 171.24 (violations; driving without valid license);
- (2) section 169.791 (criminal penalty for failure to produce proof of insurance);
- (3) section 171.09 (driving restrictions; authority, violations);
- (4) section 169A.20 (driving while impaired);
- (5) section 169A.33 (underage drinking and driving); and
- (6) section 169A.35 (open bottle law).

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to offenses committed on or after that date.

Sec. 6. Minnesota Statutes 2014, section 169A.63, subdivision 9, is amended to read:

**Subd. 9. Judicial forfeiture procedure.** (a) This subdivision governs judicial determinations of the forfeiture of a motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation. An action for forfeiture is a civil in rem action and is independent of any criminal prosecution. All proceedings are governed by the Rules of Civil Procedure.

(b) If no demand for judicial determination of the forfeiture is pending, the prosecuting authority may, in the name of the jurisdiction pursuing the forfeiture, file a separate complaint against the vehicle, describing it, specifying that it was used in the commission of a designated offense or was used in conduct resulting in a designated license revocation, and specifying the time and place of its unlawful use.

(c) The prosecuting authority may file an answer to a properly served demand for judicial determination, including an affirmative counterclaim for forfeiture. The prosecuting authority is not required to file an answer.

(d) A judicial determination under this subdivision must be held at the earliest practicable date, and in any event no later than 180 days following the filing of the demand by the claimant. If a related criminal proceeding is pending, the hearing shall not be held until the conclusion of the criminal proceedings. The district court administrator shall schedule the hearing as soon as practicable after the conclusion of the criminal prosecution. The district court administrator shall establish procedures to ensure efficient compliance with this subdivision. The hearing is to the court without a jury.

~~(e) There is a presumption that a vehicle seized under this section is subject to forfeiture if the prosecuting authority establishes that the vehicle was used in the commission of a designated offense or designated license revocation. A claimant bears the burden of proving any affirmative defense raised. The prosecuting authority has the burden of proof to show by a preponderance of the evidence that the vehicle was used in the commission of a designated offense or designated license revocation. The limitations and defenses in section 609.531, subdivisions 9 and 10, apply to forfeitures under this section.~~

(f) If the forfeiture is based on the commission of a designated offense and the person charged with the designated offense appears in court as required and is not convicted of the offense, the court shall order the property returned to the person legally entitled to it upon that person's compliance with the redemption requirements of section 169A.42. If the forfeiture is based on a designated license revocation, and the license revocation is rescinded under section 169A.53, subdivision 3 (judicial review hearing, issues, order, appeal), the court shall order the property returned to the person legally entitled to it upon that person's compliance with the redemption requirements of section 169A.42.

~~(g) If the lawful ownership of the vehicle used in the commission of a designated offense or used in conduct resulting in a designated license revocation can be determined and the owner makes the demonstration required under subdivision 7, paragraph (d) If the prosecuting authority fails to establish by a preponderance of the evidence that the vehicle was used in the commission of a designated offense or designated license revocation, the vehicle must be returned immediately upon the owner's compliance with the redemption requirements of section 169A.42.~~

(h) If the court orders the return of a seized vehicle under this subdivision it must order that filing fees be reimbursed to the person who filed the demand for judicial determination. In addition, the court may order sanctions under section 549.211 (sanctions in civil actions). Any reimbursement fees or sanctions must be paid from other forfeiture proceeds of the law enforcement agency and prosecuting authority involved and in the same proportion as distributed under subdivision 10, paragraph (b).

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to offenses committed on or after that date.

Sec. 7. Minnesota Statutes 2014, section 169A.63, subdivision 10, is amended to read:

**Subd. 10. Disposition of forfeited vehicle.** (a) If the vehicle is administratively forfeited under subdivision 8, or if the court finds under subdivision 9 that the vehicle is subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

(1) sell the vehicle and distribute the proceeds under paragraph (b); or

(2) keep the vehicle for official use. If the agency keeps a forfeited motor vehicle for official use, it shall make reasonable efforts to ensure that the motor vehicle is available for use by the agency's officers who participate in the drug abuse resistance education program.

(b) The proceeds from the sale of forfeited vehicles, after payment of seizure, towing, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be distributed as follows:

(1) 70 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the state or local agency's operating fund or similar fund for use in DWI-related enforcement, training, and education; and

(2) 30 percent of the money or proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes.

(c) If a vehicle is sold under paragraph (a), the appropriate agency shall not sell the vehicle to: (1) an officer or employee of the agency that seized the property or to a person related to the officer or employee by blood or marriage; or (2) the prosecuting authority or any individual working in the same office or a person related to the authority or individual by blood or marriage.

(d) Sales of forfeited vehicles under this section must be conducted in a commercially reasonable manner.

(e) If a vehicle is forfeited administratively under this section and no demand for judicial determination is made, the appropriate agency shall provide the prosecuting authority with a copy of the forfeiture or evidence receipt, the notice of seizure and intent to forfeit, a statement of probable cause for forfeiture of the property, and a description of the property and its estimated value. Upon review and certification by the prosecuting authority that (1) the appropriate agency provided a receipt in accordance with subdivision 2, paragraph (c), (2) the appropriate agency served notice in accordance with subdivision 8, and (3) probable cause for forfeiture exists based on the officer's statement, the appropriate agency may dispose of the property in any of the ways listed in this subdivision.

(f) The appropriate agency or prosecuting authority may not use the proceeds from the sale of forfeited vehicles to pay base salaries, benefits, overtime, or bonuses to personnel, or to pay a private attorney for services related to forfeiture litigation.

Sec. 8. Minnesota Statutes 2014, section 609.531, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Actual knowledge" means direct and clear awareness of information, a fact, or a condition.

(b) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b)(c) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(e)(d) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(e) "Constructive knowledge" means knowledge that is imputed to family or household members of the owner, as defined in section 169A.60, subdivision 1, paragraph (b), if the owner has been adjudicated guilty three or more times for the same or a specified similar violation in the last ten years.

(d)(f) "Contraband" means property which is illegal to possess under Minnesota law.

(e)(g) "Appropriate agency" means the Bureau of Criminal Apprehension, the Department of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District park rangers, the Department of Natural Resources Division of Enforcement, the University of Minnesota Police Department, the Department of Corrections Fugitive Apprehension Unit, a city, metropolitan transit, or airport police department; or a multijurisdictional entity established under section 299A.642 or 299A.681.

(f)(h) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152 or 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g)(i) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

(h)(j) "Prosecuting authority" means the attorney who is responsible for prosecuting an offense that is the basis for a forfeiture under sections 609.531 to 609.5318.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to offenses committed on or after that date.

Sec. 9. Minnesota Statutes 2014, section 609.531, subdivision 8, is amended to read:

Subd. 8. **Forfeiture policies; statewide model policy required.** (a) ~~By December 1, 2010, the Peace Officer Standards and Training Board, after consulting with the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop a model policy that articulates best practices for forfeiture and is designed to encourage the uniform application of forfeiture laws statewide. At a minimum, the policy shall address the following:~~

- (1) best practices in pursuing, seizing, and tracking forfeitures;
- (2) type and frequency of training for law enforcement on forfeiture laws; and
- (3) situations in which forfeitures should not be pursued.

~~(b) By December 1, 2010, the Minnesota County Attorneys Association, after consulting with the attorney general, the Peace Officer Standards and Training Board, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop a model policy that articulates best practices for forfeiture and is designed to encourage the uniform application of forfeiture laws statewide. At a minimum, the policy shall address the following:~~

- ~~(1) statutory role of prosecuting authorities in forfeiture procedures;~~
- ~~(2) best practices for timely and fair resolution of forfeiture cases;~~
- ~~(3) type and frequency of training for prosecuting authorities on forfeiture laws; and~~
- ~~(4) situations in which forfeitures should not be pursued.~~

~~(c) By December 1, 2010, the Minnesota County Attorneys Association and the Peace Officer Standards and Training Board shall forward an electronic copy of its respective model policy to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice and civil law policy.~~

~~(d) By March 1, 2011, The chief law enforcement officer of every state and local law enforcement agency and every prosecution office in the state shall adopt and implement maintain a written policy on forfeiture that is identical or substantially similar to the consistent with the model policies developed under paragraphs (a) and (b) Laws 2010, chapter 391, section 11. The written policy shall be made available to the public upon request.~~

Sec. 10. Minnesota Statutes 2014, section 609.531, is amended by adding a subdivision to read:

**Subd. 9. Limitations and defenses to forfeiture; ownership or interest at time of the crime.**

(a) For purposes of sections 169A.63, 609.5311, 609.5312, 609.5314, and 609.5318, an innocent owner claimant may file a claim for the return of property that the claimant owned or had interest in at the time of the crime by using the process described in this subdivision. The innocent owner claimant may file a claim at any time prior to the commencement of the underlying criminal trial and request a prompt hearing.

(b) The prosecuting authority may move to postpone the hearing for a reasonable period of time not to exceed five days, unless approved by the court, for the prosecuting authority to complete an investigation of the property related to the underlying criminal charge.

(c) The alleged suspect or convicted offender may invoke the right against self-incrimination at a civil hearing consistent with state law.

(d) The innocent owner claimant has the burden of production to show by a preponderance of the evidence that the claimant:

(1) had a full or joint ownership or security interest in the property at the time the conduct giving rise to the forfeiture occurred; and

(2) is not the person accused or convicted of the crime for which the property is subject to forfeiture.

(e) If the claimant meets the burden of production in paragraph (d), the property is subject to forfeiture if the prosecuting authority proves by a preponderance of the evidence that the claimant:

(1) had actual or constructive knowledge of the crime giving rise to the forfeiture; or

(2) consented to the act or omission upon which the forfeiture is based.

(f) If the trier-of-fact determines the property is not subject to forfeiture, all claims of right, title, and interest to the property that vested in the state are relinquished. The court shall order the return of the property within a reasonable period of time.

(g) Notwithstanding paragraph (f), if the property is jointly owned, the court may divide and allocate interest in the property among its joint owners and order the return of a prorated amount of the property only to the innocent owner claimant. The court may divide and allocate the property based on the joint owners' history of payments of initial and ongoing costs, or other factors required to realize an equitable division and allocation of the property.

(h) At the claimant's option, the court may realize the division of jointly owned property in paragraph (g) by ordering:

(1) the sale of property in a commercially reasonable manner and dividing the resulting net proceeds after first extinguishing any security interest perfected according to section 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more;

(2) the claimant to remit payment for the portion of the net value in the property not awarded to the claimant; or

(3) other equitable means.

For purposes of clause (2), the net value is calculated by first establishing the market value of the property and then subtracting any security interest perfected according to section 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more.

(i) Notwithstanding paragraphs (e) to (h), the court may order the return of the undivided property to the claimant in a case involving forfeiture under section 169A.63 if the claimant shows by a preponderance of the evidence either that failing to return the vehicle would deprive the claimant of reasonable means to employment or care for dependents residing with the claimant, or the innocent owner claimant took reasonable steps to prevent the use of the vehicle by the offender.

(j) The claimant is responsible for paying towing and storage fees if the appropriate agency returns a seized vehicle within 60 days following seizure. After 60 days following seizure, the appropriate agency is responsible for paying towing and storage fees if the trier-of-fact determines the claims are valid.

(k) Except as provided in paragraph (h), a motor vehicle encumbered by a security interest perfected according to section 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more, is subject to the interest of the secured party or lessor. When the proceeds of the sale of a seized motor vehicle encumbered by a perfected security interest vehicle do not equal or exceed the outstanding loan balance, the appropriate agency shall remit all proceeds of the sale to the secured

party after deducting the agency's allowed costs for the seizure, towing, storage, forfeiture, and sale of the vehicle.

(l) If a sale of a vehicle is conducted in a commercially reasonable manner consistent with section 336.9-610, the agency is not liable to the secured party for any amount owed on the loan in excess of the sale proceeds.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to offenses committed on or after that date.

Sec. 11. Minnesota Statutes 2014, section 609.531, is amended by adding a subdivision to read:

Subd. 10. **Limitations and defenses to forfeiture; ownership or interest acquired after crime.** (a) For purposes of sections 169A.63, 609.5311, 609.5312, 609.5314, and 609.5318, an innocent owner claimant may file a claim for the return of property that the claimant acquired an interest in after the time of the crime by using the process described in this subdivision. The innocent owner claimant may file a claim at any time prior to the commencement of the underlying criminal trial and request a prompt hearing.

(b) The prosecuting authority may move to postpone the hearing for a reasonable period of time not to exceed five days, unless approved by the court, for the prosecuting authority to complete an investigation of the property related to the underlying criminal charge.

(c) The alleged suspect or convicted offender may invoke the right against self-incrimination at a civil hearing consistent with state law.

(d) The innocent owner claimant has the burden of production to show by a preponderance of the evidence that the claimant:

(1) acquired a full or joint ownership or security interest in the property after the commission of the crime giving rise to the forfeiture; and

(2) is not the person accused or convicted of the crime for which the property is subject to forfeiture.

(e) Property is subject to forfeiture if the prosecuting authority proves by a preponderance of the evidence that, at the time of acquisition of the property, the claimant:

(1) had actual or constructive knowledge of the crime giving rise to the forfeiture;

(2) consented to the act or omission upon which the forfeiture is based; or

(3) was not a bona fide purchaser for valuable consideration and without notice of any defect in title.

(f) If the trier-of-fact determines the property is not subject to forfeiture, all claims of right, title, and interest to the property that vested in the state are relinquished. The court shall order the return of the property within a reasonable period of time.

(g) The claimant is responsible for paying towing and storage fees if the appropriate agency returns a seized vehicle within 60 days following seizure. After 60 days following seizure, the appropriate agency is responsible for paying towing and storage fees if the trier-of-fact determines the claims are valid.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to offenses committed on or after that date.

Sec. 12. Minnesota Statutes 2014, section 609.531, is amended by adding a subdivision to read:

Subd. 11. **Return of filing fees.** If the court orders the return of seized property under this section, it must order that filing fees be reimbursed to the person who filed the demand for judicial determination or contested the forfeiture. Any reimbursement fees must be paid from other forfeiture proceeds of the appropriate agency and prosecuting authority involved, in the same proportion as proceeds would be distributed for the sale of the property had it been forfeited, and any remaining proportion shall be divided and paid evenly from the agencies.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to offenses committed on or after that date.

Sec. 13. Minnesota Statutes 2014, section 609.531, is amended by adding a subdivision to read:

Subd. 12. **Exemption; homestead property.** Real property that qualifies for the homestead exemption as determined in sections 510.01 and 510.02, is not subject to forfeiture.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to offenses committed on or after that date.

Sec. 14. Minnesota Statutes 2014, section 609.5311, subdivision 3, is amended to read:

Subd. 3. **Limitations on forfeiture of certain property associated with controlled substances.**

(a) A conveyance device is subject to forfeiture under this section only if the retail value of the controlled substance is \$75 or more and the conveyance device is associated with a felony-level controlled substance crime.

(b) Real property that does not qualify for the homestead exemption as determined in sections 510.01 and 510.02, is subject to forfeiture under this section only if the retail value of the controlled substance or contraband is \$2,000 or more.

(c) Property used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section only if the owner of the property is a consenting party to, or is privy to, the use or intended use of the property as described in subdivision 2. The limitations and defenses in section 609.531, subdivisions 9 and 10, apply to forfeitures under this section.

~~(d) Property is subject to forfeiture under this section only if its owner was privy to the use or intended use described in subdivision 2, or the unlawful use or intended use of the property otherwise occurred with the owner's knowledge or consent.~~

~~(e) Forfeiture under this section of a conveyance device or real property encumbered by a bona fide security interest is subject to the interest of the secured party unless the secured party had knowledge of or consented to the act or omission upon which the forfeiture is based. A person claiming a security interest bears the burden of establishing that interest by clear and convincing evidence.~~

~~(f) Forfeiture under this section of real property is subject to the interests of a good faith purchaser for value unless the purchaser had knowledge of or consented to the act or omission upon which the forfeiture is based.~~

~~(g)~~ Notwithstanding paragraphs (d), (e), and (f), property is not subject to forfeiture based solely on the owner's or secured party's knowledge of the unlawful use or intended use of the property if: (1) the owner or secured party took reasonable steps to terminate use of the property by the offender; or (2) the property is real property owned by the parent of the offender, unless the parent actively participated in, or knowingly acquiesced to, a violation of chapter 152, or the real property constitutes proceeds derived from or traceable to a use described in subdivision 2.

~~(h)~~ (d) The Department of Corrections Fugitive Apprehension Unit shall not seize a conveyance device or real property, for the purposes of forfeiture under paragraphs (a) to ~~(g)~~ and (b).

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2014, section 609.5312, subdivision 2, is amended to read:

Subd. 2. **Limitations on forfeiture of property associated with designated offenses.** ~~(a) Property used by a person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section only if the owner of the property is a consenting party to, or is privy to, the commission of a designated offense. The limitations and defenses in section 609.531, subdivisions 9 and 10, apply to forfeitures under subdivisions 1 and 1a.~~

~~(b) Property is subject to forfeiture under this section only if the owner was privy to the act or omission upon which the forfeiture is based, or the act or omission occurred with the owner's knowledge or consent.~~

~~(c) Property encumbered by a bona fide security interest is subject to the interest of the secured party unless the party had knowledge of or consented to the act or omission upon which the forfeiture is based. A person claiming a security interest bears the burden of establishing that interest by clear and convincing evidence.~~

~~(d) Notwithstanding paragraphs (b) and (c), property is not subject to forfeiture based solely on the owner's or secured party's knowledge of the act or omission upon which the forfeiture is based if the owner or secured party took reasonable steps to terminate use of the property by the offender.~~

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2014, section 609.5312, subdivision 3, is amended to read:

Subd. 3. **Vehicle forfeiture for prostitution offenses.** (a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit or facilitate, or used during the commission of, a violation of section 609.324 or a violation of a local ordinance substantially similar to section 609.324. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense. Except as otherwise provided in this subdivision, a forfeiture under this subdivision is governed by sections 609.531, 609.5312, and 609.5313.

(b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance of a judicial forfeiture order, a hearing before a judge or referee must be held within 96 hours of the seizure. Notice of the hearing must be given to the registered owner within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of the hearing, that it has filed or intends to file charges against the alleged violator for violating section 609.324 or a local ordinance

substantially similar to section 609.324. After conducting the hearing, the court shall order that the motor vehicle be returned to the owner if:

- (1) the prosecuting authority has failed to make the certification required by paragraph (b);
  - (2) ~~the owner of the motor vehicle has demonstrated to the court's satisfaction that the owner has a defense to the forfeiture, including but not limited to the defenses contained in subdivision 2~~ the court finds that the motor vehicle is not subject to forfeiture under section 609.531, subdivision 9 or 10; or
  - (3) the court determines that seizure of the vehicle creates or would create an undue hardship for members of the owner's family.
- (c) If the defendant is acquitted or prostitution charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle.
- (d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180 days or less is not subject to forfeiture under this subdivision.
- (e) For purposes of this subdivision, seizure occurs either:
- (1) at the date at which personal service of process upon the registered owner is made; or
  - (2) at the date when the registered owner has been notified by certified mail at the address listed in the Minnesota Department of Public Safety computerized motor vehicle registration records.
- (f) The Department of Corrections Fugitive Apprehension Unit shall not participate in paragraphs (a) to (e).

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 17. Minnesota Statutes 2014, section 609.5312, subdivision 4, is amended to read:

Subd. 4. **Vehicle forfeiture for fleeing peace officer.** (a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit a violation of section 609.487 and endanger life or property. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense. Except as otherwise provided in this subdivision, a forfeiture under this subdivision is governed by sections 609.531, 609.5312, 609.5313, and 609.5315, subdivision 6.

(b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance of a judicial forfeiture order, a hearing before a judge or referee must be held within 96 hours of the seizure. Notice of the hearing must be given to the registered owner within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of the hearing, that it has filed or intends to file charges against the alleged violator for violating section 609.487. After conducting the hearing, the court shall order that the motor vehicle be returned to the owner if:

- (1) the prosecuting authority has failed to make the certification required by this paragraph;
- (2) ~~the owner of the motor vehicle has demonstrated to the court's satisfaction that the owner has a defense to the forfeiture, including but not limited to the defenses contained in subdivision 2~~

the court finds that the motor vehicle is not subject to forfeiture under section 609.531, subdivision 9 or 10; or

(3) the court determines that seizure of the vehicle creates or would create an undue hardship for members of the owner's family.

(c) If the defendant is acquitted or the charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle.

(d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180 days or less is not subject to forfeiture under this subdivision.

(e) A motor vehicle that is an off-road recreational vehicle as defined in section 169A.03, subdivision 16, or a motorboat as defined in section 169A.03, subdivision 13, is not subject to paragraph (b).

(f) For purposes of this subdivision, seizure occurs either:

(1) at the date at which personal service of process upon the registered owner is made; or

(2) at the date when the registered owner has been notified by certified mail at the address listed in the Minnesota Department of Public Safety computerized motor vehicle registration records.

(g) The Department of Corrections Fugitive Apprehension Unit shall not seize a motor vehicle for the purposes of forfeiture under paragraphs (a) to (f).

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 18. Minnesota Statutes 2014, section 609.5315, subdivision 1, is amended to read:

Subdivision 1. **Disposition.** (a) Subject to paragraph (b), if the court finds under section 609.5313, 609.5314, or 609.5318 that the property is subject to forfeiture, it shall order the appropriate agency to do one of the following:

(1) unless a different disposition is provided under clause (3) or (4), either destroy firearms, ammunition, and firearm accessories that the agency decides not to use for law enforcement purposes under clause (8), or sell them to federally licensed firearms dealers, as defined in section 624.7161, subdivision 1, and distribute the proceeds under subdivision 5 or 5b;

(2) sell property that is not required to be destroyed by law and is not harmful to the public and distribute the proceeds under subdivision 5 or 5b;

(3) sell antique firearms, as defined in section 624.712, subdivision 3, to the public and distribute the proceeds under subdivision 5 or 5b;

(4) destroy or use for law enforcement purposes semiautomatic military-style assault weapons, as defined in section 624.712, subdivision 7;

(5) take custody of the property and remove it for disposition in accordance with law;

(6) forward the property to the federal drug enforcement administration;

(7) disburse money as provided under subdivision 5, 5b, or 5c; or

(8) keep property other than money for official use by the agency and the prosecuting agency.

(b) Notwithstanding paragraph (a), the Hennepin or Ramsey County sheriff may not sell firearms, ammunition, or firearms accessories if the policy is disapproved by the applicable county board.

(c) If property is sold under paragraph (a), the appropriate agency shall not sell property to: (1) an officer or employee of the agency that seized the property or to a person related to the officer or employee by blood or marriage; or (2) the prosecuting authority or any individual working in the same office or a person related to the authority or individual by blood or marriage.

(d) Sales of forfeited property under this section must be conducted in a commercially reasonable manner.

(e) The appropriate agency or prosecuting authority may not use the proceeds from the sale of forfeited property to pay base salaries, benefits, overtime, or bonuses to personnel, or to pay a private attorney for services related to forfeiture litigation.

Sec. 19. Minnesota Statutes 2014, section 609.5315, subdivision 6, is amended to read:

Subd. 6. **Reporting requirement.** (a) For each forfeiture occurring in the state regardless of the authority for it, the appropriate agency and the prosecuting authority shall provide a written record of the forfeiture incident to the state auditor. The record shall include the amount forfeited, the statutory authority for the forfeiture, its date, a brief description of the circumstances involved, and whether the forfeiture was contested.

For controlled substance and driving while impaired forfeitures, the record shall indicate whether the forfeiture was initiated as an administrative or a judicial forfeiture. The record shall also list the number of firearms forfeited and the make, model, and serial number of each firearm forfeited. The record shall indicate how the property was or is to be disposed of.

(b) An appropriate agency or the prosecuting authority shall report to the state auditor all instances in which property seized for forfeiture is returned to its owner either because forfeiture is not pursued or for any other reason.

(c) Reports shall be made on a monthly basis in a manner prescribed by the state auditor. The state auditor shall report annually to the legislature on the nature and extent of forfeitures.

(d) For forfeitures resulting from the activities of multijurisdictional law enforcement entities, the entity on its own behalf shall report the information required in this subdivision.

(e) The prosecuting authority is not required to report information required by this subdivision unless the prosecuting authority has been notified by the state auditor that the appropriate agency has not reported it.

(f) Annually, an appropriate agency or the prosecuting authority shall report forfeiture expenditures as required by section 6.74.

**EFFECTIVE DATE.** This section applies to reporting of financial information for years ending on or after December 31, 2016.

Sec. 20. Minnesota Statutes 2014, section 609.5318, subdivision 5, is amended to read:

Subd. 5. **Limitations.** ~~(a) A vehicle used by a person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section only if the owner is a consenting party to, or is privy to, the commission of the act giving rise to the forfeiture. The limitations and defenses in section 609.531, subdivisions 9 and 10, apply to forfeitures under this section.~~

~~(b) A vehicle is subject to forfeiture under this section only if the registered owner was privy to the act upon which the forfeiture is based, the act occurred with the owner's knowledge or consent, or the act occurred due to the owner's gross negligence in allowing another to use the vehicle.~~

~~(c) A vehicle encumbered by a bona fide security interest is subject to the interest of the secured party unless the party had knowledge of or consented to the act upon which the forfeiture is based. A person claiming a security interest bears the burden of establishing that interest by clear and convincing evidence.~~

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes committed on or after that date.

## ARTICLE 4

### RESTORATION OF RIGHT TO VOTE

Section 1. Minnesota Statutes 2014, section 201.014, is amended by adding a subdivision to read:

Subd. 2a. **Felony conviction; restoration of civil right to vote.** An individual convicted of a felony has the civil right to vote restored when the individual completes any incarceration imposed and executed by the court for the offense, and during any other period following conviction in which the individual is not incarcerated. If the individual is later incarcerated for the same offense, the individual's civil right to vote is lost only during the period of incarceration. A person is considered to be incarcerated under this subdivision if the person is on work release or other form of temporary release and spends a portion of a day in a prison, jail, workhouse, or other local correctional facility.

Sec. 2. Minnesota Statutes 2014, section 201.071, subdivision 1, is amended to read:

Subdivision 1. **Form.** Both paper and electronic voter registration applications must contain the same information unless otherwise provided by law. A voter registration application must contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, if provided by the voter; date of registration; current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number; and voter's signature. The paper registration application may include the voter's e-mail address, if provided by the voter. The electronic voter registration application must include the voter's e-mail address. The registration application may include the voter's interest in serving as an election judge, if indicated by the voter. The application must also contain the following certification of voter eligibility:

"I certify that I:

(1) will be at least 18 years old on election day;

- (2) am a citizen of the United States;
- (3) will have resided in Minnesota for 20 days immediately preceding election day;
- (4) maintain residence at the address given on the registration form;
- (5) am not under court-ordered guardianship in which the court order revokes my right to vote;
- (6) have not been found by a court to be legally incompetent to vote;
- (7) ~~have the right to vote because, if I have been convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence~~ am not currently incarcerated for a felony offense; and
- (8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

The certification must include boxes for the voter to respond to the following questions:

"(1) Are you a citizen of the United States?" and

"(2) Will you be 18 years old on or before election day?"

And the instruction:

"If you checked 'no' to either of these questions, do not complete this form."

A paper voter registration application must be of suitable size and weight for mailing. The form of the voter registration application and the certification of voter eligibility must be as provided in this subdivision and approved by the secretary of state. Voter registration forms authorized by the National Voter Registration Act must also be accepted as valid. The federal postcard application form must also be accepted as valid if it is not deficient and the voter is eligible to register in Minnesota.

An individual may use a voter registration application to apply to register to vote in Minnesota or to change information on an existing registration.

Sec. 3. Minnesota Statutes 2014, section 201.12, subdivision 2, is amended to read:

Subd. 2. **Moved within state.** If any nonforwardable mailing from an election official is returned as undeliverable but with a permanent forwarding address in this state, the county auditor may change the voter's status to "inactive" in the statewide registration system and shall transmit a copy of the mailing to the auditor of the county in which the new address is located. If an election is scheduled to occur in the precinct in which the voter resides in the next 47 days, the county auditor shall promptly update the voter's address in the statewide voter registration system. If there is not an election scheduled, the auditor may wait to update the voter's address until after the next list of address changes is received from the secretary of state. Once updated, the county auditor shall mail to the voter a notice stating the voter's name, address, precinct, and polling place, except that if the voter's record is challenged due to incarceration for a felony conviction offense, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, the auditor must not mail the notice. The notice must advise the voter that the voter's voting address has been changed and that the voter must notify the county auditor within 21 days if the new address is not the voter's address of residence. The notice must state that it must be returned if it is not deliverable to the voter at the named address.

Sec. 4. Minnesota Statutes 2014, section 201.12, subdivision 3, is amended to read:

Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election official is returned as undeliverable but with a permanent forwarding address outside this state, the county auditor shall promptly mail to the voter at the voter's new address a notice advising the voter that the voter's status in the statewide voter registration system will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining the former address as the voter's address of residence. If the voter's record is challenged due to incarceration for a felony conviction offense, lack of United States citizenship, legal incompetence, or court-ordered revocation of voting rights of persons under guardianship, the county auditor must not mail this notice. If the notice is not received by the deadline, the county auditor shall change the voter's status to "inactive" in the statewide voter registration system.

Sec. 5. Minnesota Statutes 2014, section 201.13, subdivision 3, is amended to read:

Subd. 3. **Use of change of address system.** (a) At least once each month the secretary of state shall obtain a list of individuals registered to vote in this state who have filed with the United States Postal Service a change of their permanent address. The secretary of state may also periodically obtain a list of individuals with driver's licenses or state identification cards to identify those who are registered to vote who have applied to the Department of Public Safety for a replacement driver's license or state identification card with a different address, and a list of individuals for whom the Department of Public Safety received notification of a driver's license or state identification card cancellation due to a change of residency out of state. However, the secretary of state shall not load data derived from these lists into the statewide voter registration system within the 47 days before the state primary or 47 days before a November general election.

(b) If the address is changed to another address in this state, the secretary of state shall locate the precinct in which the voter resides, if possible. If the secretary of state is able to locate the precinct in which the voter resides, the secretary must transmit the information about the changed address by electronic means to the county auditor of the county in which the new address is located. For addresses for which the secretary of state is unable to determine the precinct, the secretary may forward information to the appropriate county auditors for individual review. If the voter has not voted or submitted a voter registration application since the address change, upon receipt of the information, the county auditor shall update the voter's address in the statewide voter registration system. The county auditor shall mail to the voter a notice stating the voter's name, address, precinct, and polling place, unless the voter's record is challenged due to incarceration for a felony conviction offense, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, in which case the auditor must not mail the notice. The notice must advise the voter that the voter's voting address has been changed and that the voter must notify the county auditor within 21 days if the new address is not the voter's address of residence. The notice must state that it must be returned if it is not deliverable to the voter at the named address.

(c) If the change of permanent address is to an address outside this state, the secretary of state shall notify by electronic means the auditor of the county where the voter formerly resided that the voter has moved to another state. If the voter has not voted or submitted a voter registration application since the address change, the county auditor shall promptly mail to the voter at the voter's new address a notice advising the voter that the voter's status in the statewide voter registration system will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining the former address as the voter's address of residence, except that if the voter's

record is challenged due to incarceration for a felony conviction offense, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, the auditor must not mail the notice. If the notice is not received by the deadline, the county auditor shall change the voter's status to "inactive" in the statewide voter registration system.

(d) If, in order to maintain voter registration records, the secretary of state enters an agreement to share information or data with an organization governed exclusively by a group of states, the secretary must first determine that the data security protocols are sufficient to safeguard the information or data shared. If required by such an agreement, the secretary of state may share the following data from the statewide voter registration system and data released to the secretary of state under section 171.12, subdivision 7a:

- (1) name;
- (2) date of birth;
- (3) address;
- (4) driver's license or state identification card number;
- (5) the last four digits of an individual's Social Security number; and
- (6) the date that an individual's record was last updated.

If the secretary of state enters into such an agreement, the secretary and county auditors must process changes to voter records based upon that data in accordance with this section. Except as otherwise provided in this subdivision, when data is shared with the secretary of state by another state, the secretary of state must maintain the same data classification that the data had while it was in the possession of the state providing the data.

Sec. 6. Minnesota Statutes 2014, section 201.14, is amended to read:

**201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT CHANGES OF NAMES.**

The state court administrator shall regularly report by electronic means to the secretary of state the name, address, and, if available, driver's license or state identification card number of each individual, 18 years of age or over, whose name was changed since the last report, by marriage, divorce, or any order or decree of the court. The secretary of state shall determine if any of the persons in the report are registered to vote under their previous name and shall prepare a list of those registrants for each county auditor. Upon receipt of the list, the county auditor shall make the change in the voter's record and mail to the voter the notice of registration required by section 201.121, subdivision 2. A notice must not be mailed if the voter's record is challenged due to incarceration for a felony conviction offense, lack of United States citizenship, legal incompetence, or court-ordered revocation of voting rights of persons under guardianship.

Sec. 7. Minnesota Statutes 2014, section 201.157, is amended to read:

**201.157 USE OF DEPARTMENT OF CORRECTIONS DATA.**

(a) The commissioner of corrections shall make electronic data available to the secretary of state on individuals 18 years of age or older who are currently: incarcerated in a state correctional facility.

- ~~(1) serving felony sentences under the commissioner's jurisdiction; or~~

~~(2) on probation for felony offenses that would result in the loss of civil rights, as indicated by the statewide supervision system established under section 241.065.~~

The data must include the name, date of birth, last known residential address that is not a correctional facility, and, if available, corrections' state identification number, and the driver's license or state identification card number, and, if an individual has completed the sentence, the date of discharge.

(b) The secretary of state must determine if any data newly indicates that:

(1) ~~an individual with an active voter registration in the statewide voter registration system is currently serving a felony sentence under the commissioner's jurisdiction or is on probation for a felony offense that would result in the loss of civil rights incarcerated in a state correctional facility and the individual's voter record does not already have a challenged status due to a felony conviction;~~

(2) ~~an individual with an active voter registration in the statewide voter registration system who is currently serving a felony sentence under the commissioner's jurisdiction or who is on probation for a felony offense that would result in the loss of civil rights incarcerated in a state correctional facility appears to have registered to vote or to have voted during a period when the individual's civil rights were revoked; and~~

(3) ~~an individual with a voter record that has a challenged status due to a felony conviction who was serving a felony sentence under the commissioner's jurisdiction or who has been on probation for a felony offense that would result in the loss of civil rights has been discharged from a sentence.~~

The secretary of state shall prepare a list of the registrants included under clause (1), (2), or (3) for each county auditor. For individuals under clause (1), the county auditor shall challenge the individual's record in the statewide voter registration system. The county auditor must provide information to the county attorney about individuals under clause (2) for the county attorney's investigation. For individuals under clause (3), the county auditor must determine if the challenge status should be removed from the voter record for the individual, and if so, must remove the challenge.

The secretary of state must make the required determinations and provide the required lists to the county auditors at least monthly.

For each state general election that occurs prior to the statewide voter registration system being programmed to generate lists as required by this section, the secretary of state must make the determination and provide lists to the county auditors between 30 and 60 days before the election and again between six and ten weeks after the election. In the year following that state election, the secretary of state must make this determination and provide lists to the county auditors again as part of the annual list maintenance.

**Sec. 8. [201.276] DUTIES OF SECRETARY OF STATE; INFORMATION ABOUT VOTING RIGHTS.**

The secretary of state shall develop accurate and complete information in a single publication about the voting rights of people who have been charged with or convicted of a crime. The secretary of state must make this publication available electronically to the state court administrator for distribution to judges, court personnel, probation officers, and the Department of Corrections for distribution to corrections officials, parole and supervised release agents, and the public. The

secretary of state must make the publication available to the public on the Office of the Secretary of State's Web site.

Sec. 9. 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<sub>2</sub> federal, or regularly scheduled 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, even if you have been convicted of a felony, if you are not currently incarcerated for the felony offense.

(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. 10. Minnesota Statutes 2014, section 204C.10, is amended to read:

**204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.**

(a) An individual seeking to vote shall sign a polling place roster or voter signature certificate which states that the individual:

- (1) is at least 18 years of age;
- (2) a citizen of the United States;
- (3) has resided in Minnesota for 20 days immediately preceding the election;
- (4) maintains residence at the address shown;
- (5) is not under a guardianship in which the court order revokes the individual's right to vote;
- (6) has not been found by a court of law to be legally incompetent to vote ~~or has the right to vote because;~~
- (7) ~~if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence;~~ is not currently incarcerated for a felony offense;
- (8) is registered; and
- (9) has not already voted in the election.

The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) A judge may, before the applicant signs the roster or voter signature certificate, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster or voter signature certificate, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

**Sec. 11. [243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

Subdivision 1. **Correctional facilities; designation of official.** The chief executive officer of each state and local correctional facility shall designate an official within the facility to provide the notice required under this section to persons to whom the civil right to vote is restored by reason of the persons' release from actual incarceration. The official shall maintain an adequate supply of voter registration informational materials for this purpose.

Subd. 2. **Notice requirement.** A notice of restoration of the civil right to vote must be provided as follows:

- (1) the chief executive officer of each state and local correctional facility shall provide the notice to a person being released from the facility following incarceration for a felony-level offense; and
- (2) a probation officer or supervised release agent shall provide the notice to all individuals under correctional supervision for a felony-level offense.

Subd. 3. **Form of notice.** The notice required by subdivision 2 must appear substantially as follows:

**"NOTICE OF RESTORATION OF YOUR RIGHT TO VOTE.**

Your receipt of this notice today means that your right to vote in Minnesota has been restored. Before you can vote on election day, you still need to register to vote and you must satisfy all other voter eligibility criteria. To register, you may complete a voter registration application and return it to the Office of the Minnesota Secretary of State. You may also register to vote in your polling place on election day. You will not be permitted to cast a ballot until you register to vote. The first time you appear at your polling place to cast a ballot, you may be required to provide proof of your current residence."

Subd. 4. **Failure to provide notice.** A failure to provide proper notice as required by this section does not prevent the restoration of the person's civil right to vote.

Sec. 12. Minnesota Statutes 2014, section 609.165, subdivision 1, is amended to read:

Subdivision 1. **Restoration.** (a) When a person has been deprived of civil rights by reason of conviction of a crime and is thereafter discharged, such discharge shall restore the person to all civil rights and to full citizenship, with full right to ~~vote and~~ hold office, the same as if such conviction had not taken place, and the order of discharge shall so provide.

(b) Section 201.014, subdivision 2a, governs the restoration of voting rights for persons whose right to vote has been lost due to a felony conviction.

Sec. 13. **REPEALER.**

Minnesota Statutes 2014, sections 201.155; and 201.275, are repealed.

Sec. 14. **EFFECTIVE DATE.**

This article is effective August 1, 2015, and applies to elections held on or after that date. Notices required to be provided by Minnesota Statutes, section 243.205, must be provided to individuals released from incarceration on or after August 1, 2015."

Delete the title and insert:

"A bill for an act relating to criminal justice; lowering the penalty for the performance of acts prohibited by statutes for which no penalty is specified; regulating the use of unmanned aerial vehicles by law enforcement agencies; requiring outside law enforcement agencies to investigate peace officer-involved incidents; addressing numerous issues relating to juveniles including diversion, use of restraints, and sentencing; modifying forfeiture laws and how proceeds from the sale of forfeited property are used, what reports are required, and how policies are adopted; establishing the burden of production on the innocent owner claimant and the burden of proof on the prosecutor in an innocent owner forfeiture case involving DWI, designated offenses, controlled substance offenses, fleeing offenses, and prostitution offenses; expanding the homestead exemption in forfeiture cases; restoring the civil right to vote of an individual upon release from incarceration and requiring notice; repealing county attorney obligation to promptly investigate voter registration and eligibility; amending Minnesota Statutes 2014, sections 6.74; 84.7741, subdivision 10; 169A.60, subdivision 1; 169A.63, subdivisions 1, 7, 9, 10; 201.014, by adding a subdivision; 201.071, subdivision 1; 201.12, subdivisions 2, 3; 201.13, subdivision 3; 201.14;

201.157; 204C.08, subdivision 1d; 204C.10; 244.05, subdivisions 4, 5; 260B.001, subdivision 2; 260B.125, by adding a subdivision; 260B.130, subdivision 4; 609.106, subdivision 2, by adding a subdivision; 609.165, subdivision 1; 609.3455, subdivision 2; 609.531, subdivisions 1, 8, by adding subdivisions; 609.5311, subdivision 3; 609.5312, subdivisions 2, 3, 4; 609.5315, subdivisions 1, 6; 609.5318, subdivision 5; 645.241; proposing coding for new law in Minnesota Statutes, chapters 5B; 201; 243; 260B; 626; repealing Minnesota Statutes 2014, sections 201.155; 201.275."

And when so amended the bill be reported to the Senate without recommendation. Amendments adopted. Report adopted.

### **SECOND READING OF SENATE BILLS**

S.F. No. 878 was read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. No. 1725 was read the second time.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

#### **Senator Reinert introduced—**

**S.F. No. 2104:** A bill for an act relating to capital investment; appropriating money for a water recreation facility in the city of Duluth; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

#### **Senator Reinert introduced—**

**S.F. No. 2105:** A bill for an act relating to capital investment; appropriating money for construction of an amphitheater at the Lake Superior Zoo in Duluth; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

#### **Senators Senjem and Nelson introduced—**

**S.F. No. 2106:** A bill for an act relating to local government; authorizing the Olmsted County Board to serve as the county housing and redevelopment authority; amending Laws 1994, chapter 493, section 1.

Referred to the Committee on State and Local Government.

#### **Senators Reinert and Bakk introduced—**

**S.F. No. 2107:** A bill for an act relating to capital investment; appropriating money for airport improvements in Duluth; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Fischbach introduced—**

**S.F. No. 2108:** A bill for an act relating to transportation; capital investment; appropriating money for construction of a roundabout in the city of Cold Spring; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Sheran and Rosen introduced—**

**S.F. No. 2109:** A bill for an act relating to corrections; establishing a program for the release from correctional institutions individuals who are judged to be ready to live successfully in the community and without danger to the public; appropriating money.

Referred to the Committee on Judiciary.

**MOTIONS AND RESOLUTIONS**

Senator Skoe moved that the name of Senator Hoffman be added as a co-author to S.F. No. 826. The motion prevailed.

Senator Wiger moved that the name of Senator Chamberlain be added as a co-author to S.F. No. 991. The motion prevailed.

Senator Eaton moved that the name of Senator Marty be added as a co-author to S.F. No. 1569. The motion prevailed.

Senator Sieben moved that the name of Senator Clausen be added as a co-author to S.F. No. 1682. The motion prevailed.

Senator Limmer moved that the name of Senator Chamberlain be added as a co-author to S.F. No. 2083. The motion prevailed.

Senator Eken moved that the name of Senator Westrom be added as a co-author to S.F. No. 2102. The motion prevailed.

**Senator Clausen introduced —**

**Senate Resolution No. 140:** A Senate resolution congratulating Tyus Jones of Apple Valley on being named the Most Outstanding Player of the NCAA Final Four and leading Duke to the national championship.

Referred to the Committee on Rules and Administration.

**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.

**CALL OF THE SENATE**

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

**MOTIONS AND RESOLUTION - CONTINUED**

Pursuant to Rule 26, Senator Bakk, Chair of the Committee on Rules and Administration, designated S.F. No. 2101 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 2101:** A bill for an act relating to state government; appropriating money for agriculture, environment, natural resources, jobs, and economic development; providing for animal health and agricultural utilization research; making policy and technical changes to various agricultural related provisions, including provisions related to pesticide control, plant protection, nursery law, seeds, and loans; modifying license exclusions for the direct sale of certain prepared food; establishing the Agriculture Research, Education, Extension, and Technology Transfer Board; establishing the Industrial Hemp Development Act; providing for incentive payments and grants; modifying disposition of certain revenue; providing for pilot programs; establishing the farm opportunity loan program; modifying fee provisions; creating accounts; modifying recreational vehicle provisions; modifying aquatic invasive species provisions; modifying state park and trail provisions; modifying timber and land sale provisions; modifying provisions for reclamation of lands; modifying game and fish laws; modifying the Water Law; regulating water quality standards; regulating chemicals of high concern in children's products; modifying solid waste provisions; making policy changes to labor and industry, employment and economic development, Iron Range resources, and the Bureau of Mediation Services; requiring studies and reports; requiring rulemaking; amending Minnesota Statutes 2014, sections 13.43, subdivision 6; 13.643, subdivision 1; 13.7411, subdivision 8; 16C.144, by adding subdivisions; 18B.01, subdivisions 28, 29; 18B.32, subdivision 1; 18B.33, subdivision 1; 18B.34, subdivision 1; 18G.10, subdivisions 3, 4; 18H.02, subdivision 20, by adding subdivisions; 18H.06, subdivision 2; 18J.01; 18J.02; 18J.03; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions 1, 2, 6; 18J.06; 18J.07, subdivisions 3, 4, 5; 18J.09; 18J.11, subdivision 1, by adding a subdivision; 21.81, by adding subdivisions; 21.82, subdivisions 2, 4; 21.85, subdivision 2, by adding a subdivision; 21.89, subdivision 2; 41B.03, subdivision 6, by adding a subdivision; 41B.04, subdivision 17; 41B.043, subdivision 3; 41B.045, subdivisions 3, 4; 41B.046, subdivision 5; 41B.047, subdivisions 1, 4; 41B.048, subdivision 6; 41B.049, subdivision 4; 41B.055, subdivision 3; 41B.056, subdivision 2; 41B.06; 60D.215, subdivision 2; 72B.092, subdivision 1; 80A.84; 84.415, subdivision 7; 84.82, subdivisions 2a, 6; 84.92, subdivisions 8, 9, 10; 84D.01, by adding a subdivision; 84D.13, subdivision 5; 84D.15, subdivision 3; 85.015, by adding a subdivision; 85.055, subdivision 1; 85.32, subdivision 1; 86B.401, subdivision 3; 87A.10; 88.6435, subdivision 4; 90.14; 90.193; 92.45; 93.47, subdivision 3; 93.50; 97A.055, subdivision 4b; 97B.301, by adding a subdivision; 97C.301, by adding a subdivision; 103B.101, by adding a subdivision; 103B.3355; 103F.612, subdivision 2; 103G.005, by adding a subdivision; 103G.222, subdivisions 1, 3; 103G.2242, subdivisions 1, 2, 3, 4, 9, 12, 14, 15; 103G.2251; 115A.1415, subdivision 16; 115A.557, subdivision 2; 115C.09, subdivision 1; 116.07, subdivision 4d; 116.9401; 116.9402; 116.9403; 116.9405; 116.9406; 116J.394; 116J.395, subdivision 6; 116J.8738, subdivision 3, by adding a subdivision; 116L.05, subdivision 5; 116L.17, subdivision 4; 123B.53, subdivision 1; 179A.041, by adding subdivisions; 216B.1694, subdivision

3; 268.035, subdivisions 6, 21b, 26, 30; 268.051, subdivision 7; 268.07, subdivisions 2, 3b; 268.085, subdivisions 1, 2; 268.095, subdivisions 1, 10; 268.105, subdivisions 3, 7; 268.136, subdivision 1; 268.194, subdivision 1; 298.018, subdivision 1; 298.22, subdivisions 1, 3, 4, 5, 6, 10, 11; 298.221; 298.2211, subdivision 3; 298.222; 298.223; 298.225, subdivision 2; 298.227; 298.28, subdivisions 4, 9a, 9d, 11, 15; 298.292, subdivision 2; 298.293; 298.2961, subdivision 3; 326B.092, subdivision 7; 326B.096; 326B.106, subdivision 1, by adding a subdivision; 326B.13, subdivision 8; 326B.986, subdivisions 5, 8; 332.31, subdivisions 3, 6; 341.321; 375.30, subdivision 2; Laws 2014, chapter 308, article 6, section 14, subdivision 5; Laws 2014, chapter 312, article 2, section 14; proposing coding for new law in Minnesota Statutes, chapters 13; 17; 28A; 41A; 41B; 80A; 84; 84D; 103B; 103F; 116; 116J; 116L; 179; 268A; proposing coding for new law as Minnesota Statutes, chapter 18K; repealing Minnesota Statutes 2014, sections 17.115; 28A.15, subdivisions 9, 10; 41A.12, subdivision 4; 84.68; 86B.13, subdivisions 2, 4; 298.298; Laws 2010, chapter 215, article 3, section 3, subdivision 6, as amended.

Senator Tomassoni moved to amend S.F. No. 2101 as follows:

Page 58, line 18, delete "3,342,000" and insert "3,392,000"

Page 60, line 17, delete "\$3,000,000" and insert "\$5,000,000"

Page 67, line 12, after "\$190,000" insert "from the natural resources fund"

Page 67, line 24, after "\$61,000" insert "from the natural resources fund"

Page 122, lines 29 and 32, delete "counseling" and insert "advising"

Page 125, line 33, delete "each" and insert "the first"

Page 129, line 18, delete "17,750,000" and insert "17,250,000"

Page 136, line 3, delete "770,000" and insert "1,105,000" and delete "770,000" and insert "1,105,000"

Page 136, line 4, delete "This appropriation" and insert "\$770,000 each year"

Page 152, delete section 2

Correct the subdivision and section totals and the appropriations by fund

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Saxhaug moved to amend S.F. No. 2101 as follows:

Page 194, after line 12, insert:

**"Sec. 18. COMPETITIVE RATE FOR ENERGY-INTENSIVE, TRADE-EXPOSED ELECTRIC UTILITY CUSTOMER.**

**Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Clean energy technology" is energy technology that generates electricity from a carbon neutral generating resource including, but not limited to, solar, wind, hydroelectric, and biomass.

(c) "Energy-intensive trade-exposed customer" is defined to include:

(1) an iron mining extraction and processing facility, including a scam mining facility as defined in Minnesota Rules, part 6130.0100, subpart 16;

(2) a paper mill, wood products manufacturer, sawmill, or oriented strand board manufacturer;

(3) a steel mill and related facilities;

(4) a retail customer of an investor-owned electric utility that has facilities under a single electric service agreement that (i) collectively imposes a peak electrical demand of at least 10,000 kilowatts on the electric utility's system, and (ii) has a combined annual average load factor in excess of 80 percent; and

(5) any other retail customer of an investor-owned electric utility that is subject to globally competitive pressures and whose electric energy costs are at least ten percent of the customer's overall cost of production.

(d) "EITE rate schedule" means a rate schedule under which an investor-owned electric utility may set terms of service to an individual or group of energy-intensive trade-exposed customers.

(e) "EITE rate" means the rate or rates offered by the investor-owned electric utility under an EITE rate schedule.

Subd. 2. **Rates and terms of EITE rate schedule.** (a) It is the energy policy of the state of Minnesota to ensure competitive electric rates for energy-intensive trade-exposed customers. To achieve this objective, an investor-owned electric utility shall have the ability to propose various EITE rate options within their service territory under an EITE rate schedule that include, but are not limited to, fixed-rates, market-based rates, and rates to encourage utilization of new clean energy technology.

(b) Notwithstanding Minnesota Statutes, section 216B.03, 216B.05, 216B.06, 216B.07, or 216B.16, the commission shall, upon a finding of net benefit to the utility or the state, approve an EITE rate schedule and any corresponding EITE rate.

(c) The commission shall make a final determination in a proceeding begun under this section within 90 days of a miscellaneous rate filing by the electric utility.

(d) Upon approval of any EITE rate schedule, the utility shall create a separate account to track the difference in revenue between what would have been collected under the electric utility's applicable standard tariff and the EITE rate schedule. In its next general rate case or through an EITE cost recovery rate rider between general rate cases, the commission shall allow the utility to recover any costs, including reduced revenues, or refund any savings, including increased revenues, associated with providing service to a customer under an EITE rate schedule. The utility shall not recover any costs or refund any savings under this section from any energy-intensive trade-exposed customer or any low-income residential ratepayers as defined in Minnesota Statutes, section 216B.16, subdivision 15.

Subd. 3. **Low-income funding.** Upon the filing of a utility for approval of an EITE rate schedule under this section, the filing utility must deposit \$10,000 into an account devoted to funding a

program approved by the commission under Minnesota Statutes, section 216B.16, subdivision 15. The funds shall be used to expand the outreach of the commission-approved affordability program."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

Senator Saxhaug imposed a call of the Senate for the balance of the proceedings on S.F. No. 2101. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 37 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Hall	Lourey	Pratt	Stumpf
Bakk	Hoffman	Metzen	Rosen	Thompson
Benson	Housley	Nelson	Ruud	Tomassoni
Bonoff	Ingebrigtsen	Newman	Saxhaug	Weber
Dahms	Jensen	Nienow	Schmit	Westrom
Eken	Kiffmeyer	Ortman	Senjem	
Fischbach	Koenen	Osmek	Skoe	
Gazelka	Limmer	Pederson, J.	Sparks	

Those who voted in the negative were:

Carlson	Dziedzic	Johnson	Reinert	Wiger
Champion	Eaton	Kent	Rest	Wiklund
Clausen	Franzen	Latz	Scalze	
Cohen	Goodwin	Marty	Sheran	
Dahle	Hawj	Pappas	Sieben	
Dibble	Hayden	Petersen, B.	Torres Ray	

The motion prevailed. So the amendment was adopted.

Senator Senjem moved to amend S.F. No. 2101 as follows:

Page 168, after line 5, insert:

"Sec. 25. Laws 1994, chapter 493, section 1, is amended to read:

#### **Section 1. OLMSTED COUNTY HOUSING AND REDEVELOPMENT AUTHORITY; MEMBERS.**

Subdivision 1. City and county appointees as housing and redevelopment authority. Notwithstanding Minnesota Statutes, section 469.006, the Olmsted County Housing and Redevelopment Authority has seven members, four appointed by the city council of the city of Rochester and three appointed by the county board of Olmsted county. Of the first four appointees of the city council under this act, one must be appointed for a one-year term, two for two-year terms, and one for a three-year term. Of the first three appointees of the county board under this act, one must be appointed for a one-year term, one for a two-year term, and one for a three-year term. Later appointments to fill terms are for five years. An appointment to a vacancy is for the unexpired term.

Subd. 2. **County board may serve as housing and redevelopment authority.** Notwithstanding subdivision 1, the county board may, by resolution, provide that the Olmsted County Board will constitute the county housing and redevelopment authority and that the appointment procedures in subdivision 1 shall not apply. If the Olmsted County Board acts under this subdivision, it must also provide in the resolution for any additional members needed to comply with Code of Federal Regulations, title 24, part 964.

**EFFECTIVE DATE; TRANSITION.** This section is effective the day after the latter of the city council of the city of Rochester and the Olmsted County Board of Commissioners and their respective chief clerical officers timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Terms of members of the Olmsted County Housing and Redevelopment Authority serving on or after the effective date of this section terminate as provided in the resolution adopted by the county board."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Bonoff moved to amend S.F. No. 2101 as follows:

Page 158, after line 28, insert:

"Sec. 8. **[116U.27] MINNESOTA FILM AND TV BOARD; REPORTING REQUIREMENTS.**

(a) The Minnesota Film and TV Board, in consultation with the Department of Employment and Economic Development, shall develop grant agreements that include clear board duties and measurable goals, as well as eligibility criteria. The grant agreements developed must be submitted to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over employment and economic development policy and finance by September 15, 2015.

(b) On or before July 15, 2015, and annually thereafter in any year that grant funds are available to the Minnesota Film and TV Board, the board shall provide a full accounting of its activities and achievements related to state grant funds to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over employment and economic development policy and finance."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ruud moved to amend S.F. No. 2101 as follows:

Page 59, after line 23, insert:

"\$500,000 the first year and \$500,000 the second year are from the state forest suspense account in the permanent school fund for the school trust lands director

to accelerate land exchanges, land sales, and commercial leasing of school trust lands and to identify, evaluate, and lease construction aggregate located on school trust lands. This appropriation is to be used for securing long-term economic return from the school trust lands consistent with fiduciary responsibilities and sound natural resources conservation and management principles."

Page 83, after line 33, insert:

"Sec. 22. **[92.83] CONDEMNATION OF SCHOOL TRUST LAND.**

Subdivision 1. **Purpose.** The purpose of this section is to extinguish the school trust interest in school trust lands where long-term economic return is prohibited by designation or policy while producing economic benefits for Minnesota's public schools. For the purposes of satisfying the Minnesota Constitution, article XI, section 8, which limits the sale of school trust lands to a public sale, the commissioner of natural resources shall acquire school trust lands through condemnation, as provided in subdivision 2.

Subd. 2. **Commencement of condemnation proceedings.** When the commissioner of natural resources has determined sufficient money is available to acquire any of the lands identified under section 84.027, subdivision 18, paragraph (c), the commissioner shall proceed to extinguish the school trust interest by condemnation action. When requested by the commissioner, the attorney general shall commence condemnation of the identified school trust lands.

Subd. 3. **Payment.** The portion of the payment of the award and judgment that is for the value of the land shall be deposited into the permanent school fund. The remainder of the award and judgment payment shall first be remitted for reimbursement to the accounts from which expenses were paid, with any remainder deposited into the permanent school fund.

Subd. 4. **Account.** The school trust lands account is created in the state treasury. Money credited to the account is appropriated to the commissioner of natural resources for the purposes of this section."

Page 84, after line 17, insert:

"Sec. 25. Minnesota Statutes 2014, section 94.16, subdivision 3, is amended to read:

Subd. 3. **Proceeds from natural resources land.** (a) Except as provided in paragraph paragraphs (b) and (c), the remainder of the proceeds from the sale of lands classified as a unit of the outdoor recreation system under section 86A.05 that were under the control and supervision of the commissioner of natural resources shall be credited to the land acquisition account in the natural resources fund.

(b) The remainder of the proceeds from the sale of administrative sites under the control and supervision of the commissioner of natural resources shall be credited to the facilities management account established under section 84.0857 and used to acquire facilities or renovate existing buildings for administrative use or to acquire land for, design, and construct administrative buildings for the Department of Natural Resources.

(c) The remainder of the proceeds from the sale of land not within a unit of the outdoor recreation system under section 86A.05 and not an administrative site, but under the control and supervision of the commissioner of natural resources, shall be credited to the school trust lands account established under section 92.83."

Page 114, after line 32, insert:

"Sec. 64. SURPLUS STATE LAND SALES.

The school trust lands director shall identify at least \$5,000,000 in state-owned lands suitable for sale and notify the commissioner of natural resources of the identified lands. The lands identified shall not be within a unit of the outdoor recreation system under Minnesota Statutes, section 86A.05, an administrative site, or trust land. The commissioner shall sell at least \$3,000,000 worth of lands identified by the school trust lands director by June 30, 2017. Notwithstanding Minnesota Statutes, section 94.16, subdivision 3, or any other law to the contrary, the amount of the proceeds from the sale of lands that exceeds the actual expenses of selling the lands must be deposited in the school trust lands account and used to extinguish the school trust interest as provided under Minnesota Statutes, section 92.83, on school trust lands that have public water access sites or old growth forests located on them."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Ruud moved to amend the Ruud amendment to S.F. No. 2101 as follows:

Page 1, delete lines 2 to 15

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

The question recurred on the adoption of the first Ruud amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Pederson, J. moved to amend S.F. No. 2101 as follows:

Page 104, after line 33, insert:

"Sec. 47. 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 until all applicable local units of government have either:

- (1) granted approval for the new or expanded facility; or
- (2) authorized the permit to be issued prior to or concurrent with approval by the local unit of government.

**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

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Petersen, B.	Thompson
Benson	Hall	Nelson	Pratt	Weber
Bonoff	Housley	Newman	Rosen	Westrom
Dahms	Ingebrigtsen	Ortman	Ruud	
Eken	Kiffmeyer	Osmek	Senjem	
Fischbach	Koenen	Pederson, J.	Stumpf	

Those who voted in the negative were:

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

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

Senator Ortman moved to amend S.F. No. 2101 as follows:

Page 120, line 6, delete "6,500,000" and insert "1,500,000"

Page 144, after line 30, insert:

"Sec. 12. **PUBLIC FACILITIES AUTHORITY.**

\$5,000,000 each year is for the wastewater infrastructure funding program under section 446A.072."

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 33, as follows:

Those who voted in the affirmative were:

Anderson	Hall	Nelson	Petersen, B.	Sparks
Benson	Housley	Newman	Pratt	Thompson
Dahms	Ingebrigtsen	Nienow	Rosen	Weber
Fischbach	Kiffmeyer	Ortman	Ruud	Westrom
Gazelka	Limmer	Osmek	Scalze	
Goodwin	Marty	Pederson, J.	Senjem	

Those who voted in the negative were:

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

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

Senator Gazelka moved to amend S.F. No. 2101 as follows:

Page 120, line 6, delete "6,500,000" and insert "1,500,000"

Page 129, line 21, delete "\$17,000,000" and insert "\$27,000,000"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Hall	Marty	Pederson, J.	Schmit
Benson	Housley	Nelson	Petersen, B.	Senjem
Dahms	Ingebrigtsen	Newman	Pratt	Sheran
Fischbach	Jensen	Nienow	Rosen	Thompson
Gazelka	Kiffmeyer	Ortman	Ruud	Weber
Goodwin	Limmer	Osmek	Scalze	Westrom

Those who voted in the negative were:

Bakk	Dibble	Johnson	Reinert	Tomassoni
Bonoff	Dziedzic	Kent	Rest	Wiger
Carlson	Eaton	Koenen	Saxhaug	Wiklund
Champion	Eken	Latz	Sieben	
Clausen	Franzen	Lourey	Skoe	
Cohen	Hawj	Metzen	Sparks	
Dahle	Hoffman	Pappas	Stumpf	

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

Senator Eaton moved to amend S.F. No. 2101 as follows:

Page 51, delete lines 10 to 14

Page 113, delete section 60

Adjust amounts accordingly

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 24 and nays 38, as follows:

Those who voted in the affirmative were:

Carlson	Dibble	Hawj	Latz	Scalze
Champion	Dziedzic	Hayden	Lourey	Sieben
Clausen	Eaton	Hoffman	Marty	Wiger
Cohen	Franzen	Johnson	Pappas	Wiklund
Dahle	Goodwin	Kent	Reinert	

Those who voted in the negative were:

Anderson	Hall	Nelson	Rest	Sparks
Bakk	Housley	Newman	Rosen	Stumpf
Benson	Ingebrigtsen	Nienow	Ruud	Thompson
Bonoff	Jensen	Ortman	Saxhaug	Tomassoni
Dahms	Kiffmeyer	Osmek	Schmit	Weber
Eken	Koenen	Pederson, J.	Senjem	Westrom
Fischbach	Limmer	Petersen, B.	Sheran	
Gazelka	Metzen	Pratt	Skoe	

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

Senator Benson moved to amend S.F. No. 2101 as follows:

Page 9, line 22, delete "15,148,000" and insert "14,807,000" and delete "15,033,000" and insert "14,482,000"

Page 10, line 26, delete "\$500,000" and insert "\$2,517,000" and delete "\$500,000" and insert "\$4,750,000"

Page 14, line 7, delete "5,318,000" and insert "5,263,000" and delete "5,384,000" and insert "5,272,000"

Page 49, line 31, delete "4,207,000" and insert "4,175,000" and delete "3,777,000" and insert "3,713,000"

Page 60, line 3, delete "17,491,000" and insert "16,733,000" and delete "17,046,000" and insert "15,517,000"

Page 71, line 13, delete "13,959,000" and insert "13,805,000" and delete "13,133,000" and insert "13,005,000"

Page 126, line 28, delete "2,659,000" and insert "2,468,000" and delete "2,854,000" and insert "2,468,000"

Page 136, line 31, delete "14,053,000" and insert "13,988,000" and delete "14,118,000" and insert "13,988,000"

Page 138, line 23, delete "1,234,000" and insert "1,216,000" and delete "1,252,000" and insert "1,216,000"

Page 141, line 25, delete "7,098,000" and insert "6,720,000" and delete "7,353,000" and insert "6,590,000"

Correct the subdivision and section totals and the appropriations by fund

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Hall	Nelson	Pederson, J.	Senjem
Benson	Housley	Newman	Petersen, B.	Thompson
Dahms	Ingebrigtsen	Nienow	Pratt	Weber
Fischbach	Kiffmeyer	Ortman	Rosen	Westrom
Gazelka	Limmer	Osmek	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	Wiger
Cohen	Hawj	Lourey	Schmit	Wiklund
Dahle	Hayden	Marty	Sheran	
Dibble	Hoffman	Metzen	Sieben	

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

Senator Thompson moved to amend S.F. No. 2101 as follows:

Page 211, after line 28, insert:

**"Sec. 24. IRON RANGE RESOURCES AND REHABILITATION BOARD GRANT PROHIBITION.**

The Iron Range Resources and Rehabilitation Board must not award any grant or loan to a business or organization that engages in partisan political activity."

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 24 and nays 37, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Kiffmeyer moved to amend S.F. No. 2101 as follows:

Page 122, after line 2, insert:

"Any program funded under this subdivision is subject to the uniform outcome report card requirements under Minnesota Statutes, section 116L.98."

Page 126, after line 25, insert:

"Any program funded under this subdivision is subject to the uniform outcome report card requirements under Minnesota Statutes, section 116L.98."

The motion prevailed. So the amendment was adopted.

Senator Benson moved to amend S.F. No. 2101 as follows:

Page 143, line 24, delete "a 25 percent" and insert "an equal"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Ruud moved to amend S.F. No. 2101 as follows:

Page 4, line 26, delete "\$3,873,000" and insert "\$3,773,000"

Page 6, delete lines 1 to 8

Correct the subdivision and section totals and appropriations by fund

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Dahms	Gazelka	Housley	Kiffmeyer
Benson	Fischbach	Hall	Ingebrigtsen	Limmer

Nelson	Ortman	Pratt	Weber
Newman	Osmek	Ruud	Wiger
Nienow	Pederson, J.	Thompson	

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Petersen, B.	Sheran
Bonoff	Eaton	Kent	Reinert	Sieben
Carlson	Eken	Koenen	Rest	Skoe
Champion	Franzen	Latz	Rosen	Sparks
Clausen	Goodwin	Lourey	Saxhaug	Stumpf
Cohen	Hawj	Marty	Scalze	Tomassoni
Dahle	Hoffman	Metzen	Schmit	Westrom
Dibble	Jensen	Pappas	Senjem	Wiklund

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

Senator Senjem moved to amend S.F. No. 2101 as follows:

Page 145, after line 2, insert:

"Section 1. Minnesota Statutes 2014, section 299F.01, is amended by adding a subdivision to read:

**Subd. 4. Mandatory fire sprinklers prohibited.** (a) The State Building Code, the State Fire Code, or a political subdivision of the state by code or ordinance, must not require the installation of fire sprinklers, any fire sprinkler system components, or automatic fire-extinguishing equipment or devices in any new or existing single-family detached dwelling unit, two-family dwelling unit, townhome, or accessory structure such as a garage, covered patio, deck, porch, storage shed, or similar structure.

(b) This subdivision does not affect or limit a requirement for smoke or fire detectors, alarms, or their components.

**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

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 45 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kiffmeyer	Osmek	Senjem
Bakk	Franzen	Koenen	Pederson, J.	Sheran
Benson	Gazelka	Limmer	Petersen, B.	Skoe
Bonoff	Hall	Lourey	Pratt	Sparks
Carlson	Housley	Metzen	Reinert	Stumpf
Clausen	Ingebrigtsen	Nelson	Rosen	Thompson
Dahle	Jensen	Newman	Ruud	Tomassoni
Dahms	Johnson	Nienow	Saxhaug	Weber
Eken	Kent	Ortman	Schmit	Westrom

Those who voted in the negative were:

Champion	Eaton	Hoffman	Rest	Wiklund
Cohen	Goodwin	Latz	Scalze	
Dibble	Hawj	Marty	Sieben	
Dziedzic	Hayden	Pappas	Wiger	

The motion prevailed. So the amendment was adopted.

Senator Metzen moved to amend S.F. No. 2101 as follows:

Page 174, delete section 4

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 21 and nays 42, as follows:

Those who voted in the affirmative were:

Dahms	Ingebrigtsen	Metzen	Saxhaug	Wiklund
Eken	Jensen	Newman	Senjem	
Gazelka	Kent	Petersen, B.	Sparks	
Hall	Koenen	Reinert	Thompson	
Hoffman	Limmer	Rest	Westrom	

Those who voted in the negative were:

Anderson	Dahle	Housley	Osmek	Sieben
Bakk	Dibble	Johnson	Pappas	Skoe
Benson	Dziedzic	Kiffmeyer	Pederson, J.	Stumpf
Bonoff	Eaton	Latz	Pratt	Tomassoni
Brown	Fischbach	Lourey	Rosen	Weber
Carlson	Franzen	Marty	Ruud	Wiger
Champion	Goodwin	Nelson	Scalze	
Clausen	Hawj	Nienow	Schmit	
Cohen	Hayden	Ortman	Sheran	

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

Senator Eken moved to amend S.F. No. 2101 as follows:

Page 114, after line 32, insert:

**"Sec. 64 COST ANALYSIS OF WATER QUALITY STANDARDS; APPROPRIATION.**

(a) The commissioner of the Pollution Control Agency, after consultation with the commissioner of management and budget, shall issue a request for proposal not to exceed \$250,000 to contract with a nonstate entity for an engineering cost analysis of current and recently adopted, proposed, or anticipated changes to water quality standards and rules, including:

(1) recently adopted or proposed changes to total suspended solid, nutrient, chloride, nitrate, and sulfate standards;

(2) proposed nondegradation rulemaking provisions; and

(3) proposed changes to water quality standards to incorporate a tiered aquatic life use framework.

(b) The contractor may employ engineering subcontractors serving local governments to complete the analysis. The analysis must include a cost analysis for a representative sample of at least 15 communities. The sample must include a diverse set of communities based on geography, watersheds, community size, wastewater facility types and operators, storm water system types, and other factors to ensure the analysis is representative of the state as a whole. The analysis must include:

(1) an estimate of the overall capital and operating costs to maintain and upgrade wastewater and storm water systems for existing water quality standards;

(2) an estimate of the overall capital and operating costs likely to be incurred to upgrade wastewater and storm water systems for recently adopted, proposed, or anticipated changes to water quality standards; and

(3) an estimate of the incremental effect to overall water quality in the receiving waters as a direct result of the recently adopted, proposed, or anticipated changes to water quality standards.

(c) The commissioner shall submit the analysis to the chairs and ranking minority members of the committees and divisions of the house of representatives and senate with jurisdiction over water quality standards no later than January 1, 2017.

(d) Until 45 legislative days after the report is submitted under paragraph (c), the commissioner of the Pollution Control Agency must not require additional wastewater treatment at wastewater treatment facilities that are necessary due to the changes in the agency's water quality rules adopted on August 4, 2014.

**EFFECTIVE DATE.** Paragraph (d) of this section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Dibble moved to amend the Eken amendment to S.F. No. 2101 as follows:

Page 1, delete lines 32 to 35

Page 2, delete lines 1 and 2

The question was taken on the adoption of the Dibble amendment to the Eken amendment.

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

Those who voted in the affirmative were:

Bonoff	Dibble	Hayden	Lourey	Schmit
Carlson	Dziedzic	Hoffman	Marty	Sheran
Champion	Eaton	Jensen	Pappas	Sieben
Clausen	Franzen	Johnson	Reinert	Wiger
Cohen	Goodwin	Kent	Rest	Wiklund
Dahle	Hawj	Latz	Scalze	

Those who voted in the negative were:

Anderson	Dahms	Hall	Koenen	Newman
Bakk	Eken	Housley	Limmer	Nienow
Benson	Fischbach	Ingebrigtsen	Metzen	Ortman
Brown	Gazelka	Kiffmeyer	Nelson	Osmek

Pederson, J.	Rosen	Senjem	Stumpf	Weber
Petersen, B.	Ruud	Skoe	Thompson	Westrom
Pratt	Saxhaug	Sparks	Tomassoni	

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

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

The roll was called, and there were yeas 39 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Limmer	Petersen, B.	Skoe
Bakk	Gazelka	Metzen	Pratt	Sparks
Benson	Hall	Nelson	Rosen	Stumpf
Brown	Housley	Newman	Ruud	Thompson
Carlson	Ingebrigtsen	Nienow	Saxhaug	Tomassoni
Cohen	Jensen	Ortman	Schmit	Weber
Dahms	Kiffmeyer	Osmek	Senjem	Westrom
Eken	Koenen	Pederson, J.	Sheran	

Those who voted in the negative were:

Bonoff	Dziedzic	Hoffman	Marty	Sieben
Champion	Eaton	Johnson	Pappas	Wiger
Clausen	Franzen	Kent	Reinert	Wiklund
Dahle	Hawj	Latz	Rest	
Dibble	Hayden	Lourey	Scalze	

The motion prevailed. So the amendment was adopted.

Senator Pratt moved to amend S.F. No. 2101 as follows:

Page 175, line 14, before the period, insert ", unless it is part of a mutual agreement between the insurer and the motor vehicle repair shop"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 37, as follows:

Those who voted in the affirmative were:

Bakk	Hall	Metzen	Pratt	Thompson
Benson	Ingebrigtsen	Nelson	Reinert	Tomassoni
Brown	Jensen	Newman	Rosen	Weber
Dahms	Kent	Osmek	Saxhaug	Westrom
Gazelka	Limmer	Petersen, B.	Sparks	Wiklund

Those who voted in the negative were:

Anderson	Dziedzic	Housley	Ortman	Sheran
Bonoff	Eaton	Johnson	Pappas	Sieben
Carlson	Eken	Kiffmeyer	Pederson, J.	Skoe
Champion	Fischbach	Koenen	Rest	Stumpf
Clausen	Franzen	Latz	Ruud	Wiger
Cohen	Hawj	Lourey	Scalze	
Dahle	Hayden	Marty	Schmit	
Dibble	Hoffman	Nienow	Senjem	

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

Senator Eken moved to amend S.F. No. 2101 as follows:

Page 114, after line 32, insert:

"Sec. 64. **INDEPENDENT PEER REVIEW OF WATER QUALITY STANDARDS.**

(a) The commissioner of the Pollution Control Agency must ensure that an independent peer review is conducted on any proposed change to a water quality standard under Minnesota Statutes, chapter 115 or 116, when the estimated financial impact to affected permittees is \$50,000,000 or more, in total, within the first five years of implementation. The commissioner must provide notice and take public comment on the charge questions for independent peer review and must allow written and oral public comment as part of the independent peer review process and the peer review report. Documentation of compliance with the notice and comment requirements and the peer review report must be included as part of the statement of need and reasonableness for the proposed rule.

(b) The commissioner of the Pollution Control Agency must ensure that an independent peer review according to paragraph (a) is conducted on the water quality standards adopted by rule on August 4, 2014, and those rules are suspended until the independent peer review and a new rulemaking is completed on those rules. The rules in effect prior to adoption of the August 4, 2014, rules remain in effect until new rules are adopted.

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

Sec. 65. **MINIMUM WATER QUALITY STANDARDS.**

Until the Red River of the North water quality strategic plan is completed and submitted to the legislature according to article 3, section 2, subdivision 2, the Minnesota Pollution Control Agency must not require a current permittee that discharges to the Red River of the North to meet standards above the minimum standards for water quality that are set by the United States Environmental Protection Agency and that are applicable in North Dakota."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Correct the subdivision and section totals and the appropriations by fund accordingly

Senator Dibble moved to amend the Eken amendment to S.F. No. 2101 as follows:

Page 1, line 5, delete "(a)"

Page 1, delete lines 15 to 28

The question was taken on the adoption of the Dibble amendment to the Eken amendment.

The roll was called, and there were yeas 26 and nays 37, as follows:

Those who voted in the affirmative were:

Bonoff	Dibble	Hoffman	Pappas	Wiger
Carlson	Dziedzic	Johnson	Reinert	Wiklund
Champion	Eaton	Kent	Rest	
Clausen	Franzen	Latz	Scalze	
Cohen	Goodwin	Lourey	Schmit	
Dahle	Hawj	Marty	Sieben	

Those who voted in the negative were:

Anderson	Dahms	Hall	Jensen	Metzen
Bakk	Eken	Hayden	Kiffmeyer	Nelson
Benson	Fischbach	Housley	Koenen	Newman
Brown	Gazelka	Ingebrigtsen	Limmer	Nienow

Ortman	Pratt	Senjem	Stumpf	Westrom
Osmek	Rosen	Sheran	Thompson	
Pederson, J.	Ruud	Skoe	Tomassoni	
Petersen, B.	Saxhaug	Sparks	Weber	

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

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

The roll was called, and there were yeas 36 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Hall	Nelson	Ruud	Thompson
Bakk	Housley	Newman	Saxhaug	Tomassoni
Benson	Ingebrigtsen	Ortman	Schmit	Weber
Brown	Jensen	Osmek	Senjem	Westrom
Dahms	Kiffmeyer	Pederson, J.	Sheran	
Eken	Koenen	Petersen, B.	Skoe	
Fischbach	Limmer	Pratt	Sparks	
Gazelka	Metzen	Rosen	Stumpf	

Those who voted in the negative were:

Bonoff	Dibble	Hayden	Marty	Wiger
Carlson	Dziedzic	Hoffman	Pappas	Wiklund
Champion	Eaton	Johnson	Reinert	
Clausen	Franzen	Kent	Rest	
Cohen	Goodwin	Latz	Scalze	
Dahle	Hawj	Lourey	Sieben	

The motion prevailed. So the amendment was adopted.

S.F. No. 2101 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 37 and nays 22, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Johnson	Pappas	Sparks
Bonoff	Eken	Kent	Reinert	Stumpf
Carlson	Fischbach	Koenen	Rest	Tomassoni
Champion	Franzen	Latz	Saxhaug	Weber
Clausen	Hawj	Lourey	Schmit	Wiger
Cohen	Hayden	Metzen	Sheran	
Dahle	Hoffman	Nelson	Sieben	
Dibble	Jensen	Osmek	Skoe	

Those who voted in the negative were:

Anderson	Hall	Marty	Petersen, B.	Thompson
Brown	Housley	Newman	Pratt	Wiklund
Eaton	Ingebrigtsen	Nienow	Rosen	
Gazelka	Kiffmeyer	Ortman	Scalze	
Goodwin	Limmer	Pederson, J.	Senjem	

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

### MEMBERS EXCUSED

Senators Chamberlain, Hann and Miller were excused from the Session of today. Senator Brown was excused from the Session of today from 2:00 to 5:40 p.m. Senator Nienow was excused from

the Session of today from 2:40 to 3:20 p.m. Senator Torres Ray was excused from the Session of today at 3:25 p.m. Senator Hayden was excused from the Session of today from 3:45 to 4:15 p.m. and from 4:50 to 5:05 p.m. Senator Ruud was excused from the Session of today from 6:35 to 6:40 p.m.

### **ADJOURNMENT**

Senator Bakk moved that the Senate do now adjourn until 12:00 noon, Thursday, April 23, 2015. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

