

FIFTY-SIXTH DAY

St. Paul, Minnesota, Thursday, May 7, 2015

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

CALL OF THE SENATE

Senator Sieben 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. Martin Ericson.

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

The President declared a quorum present.

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

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.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1120.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 6, 2015

Madam President:

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

S.F. No. 1265: A bill for an act relating to insurance; permitting individuals to contract with an insurance producer to advocate on the individual's behalf with respect to health coverage with an insurance company; regulating payment of commissions by issuers of qualified health plans; amending Minnesota Statutes 2014, sections 60K.31, by adding subdivisions; 60K.48, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62V.

Senate File No. 1265 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 6, 2015

Senator Jensen moved that the Senate do not concur in the amendments by the House to S.F. No. 1265, 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1406: A bill for an act relating to state lands; providing for public and private sales and conveyance of certain state land; amending Laws 2012, chapter 236, section 28, subdivision 6; Laws 2013, chapter 73, section 30.

Senate File No. 1406 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 6, 2015

CONCURRENCE AND REPASSAGE

Senator Hawj moved that the Senate concur in the amendments by the House to S.F. No. 1406 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1406: A bill for an act relating to state lands; providing for public and private sales and conveyances of certain state lands; modifying prior sale authority; amending Laws 2012, chapter 236, section 28, subdivision 6; Laws 2013, chapter 73, section 30.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 916, 1427, 1036, 1357 and 385.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 6, 2015

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 916: A bill for an act relating to counties; providing a process for making certain county offices appointive in Crow Wing County.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 753, now on General Orders.

H.F. No. 1427: A bill for an act relating to local government; changing the meeting requirement for the District 1 Hospital Board; amending Laws 1963, chapter 118, section 4, as amended.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1315, now on General Orders.

H.F. No. 1036: A bill for an act relating to health care; modifying provisions related to physician assistants; amending Minnesota Statutes 2014, sections 147A.01, subdivisions 17a, 23; 147A.20, subdivisions 1, 2; repealing Minnesota Statutes 2014, section 147A.01, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 454, now on General Orders.

H.F. No. 1357: A bill for an act relating to civil law; requiring certificates of dissolution; adding requirements to the certificate of dissolution form; amending Minnesota Statutes 2014, section 518.148.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1539, now on General Orders.

H.F. No. 385: A bill for an act relating to business organizations; modifying conversion provisions; amending Minnesota Statutes 2014, sections 66A.02, subdivision 4; 302A.011, subdivisions 19, 22, 63, 64, 68, by adding a subdivision; 302A.471, subdivision 1; 302A.691; 302A.692; 322B.03, subdivision 37, by adding subdivisions; 322B.383, subdivision 1; 322C.0105, subdivision 2, by adding a subdivision; 322C.0110, subdivisions 4, 7; 322C.0201, subdivision 2; 322C.0203, subdivision 1; 322C.0404, subdivision 1; 322C.0407, subdivisions 1, 4; 322C.0408, subdivision 6; 322C.0410, subdivision 2; 322C.0502, subdivision 4; 322C.0902; 322C.1001, subdivisions 11, 12; 322C.1007; 322C.1009; 322C.1101, subdivision 5; 322C.1204, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 302A; 322B; repealing Minnesota Statutes 2014, sections 302A.681; 302A.683; 302A.685; 302A.687; 302A.689; 322B.78; Laws 2014, chapter 157, article 2, sections 10; 11; 12; 13; 14; 15; 16; 30.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 666, now on General Orders.

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. 450 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS | | CONSENT CALENDAR | | CALENDAR | |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No. | S.F. No. | H.F. No. | S.F. No. | H.F. No. | S.F. No. |
| 450 | 617 | | | | |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 450 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 450, the first engrossment; and insert the language after the enacting clause of S.F. No. 617, the first engrossment; further, delete the title of H.F. No. 450, the first engrossment; and insert the title of S.F. No. 617, the first engrossment.

And when so amended H.F. No. 450 will be identical to S.F. No. 617, and further recommends that H.F. No. 450 be given its second reading and substituted for S.F. No. 617, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1193 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS | | CONSENT CALENDAR | | CALENDAR | |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No. | S.F. No. | H.F. No. | S.F. No. | H.F. No. | S.F. No. |
| 1193 | 814 | | | | |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1193 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1193, the first engrossment; and insert the language after the enacting clause of S.F. No. 814, the first engrossment; further, delete the title of H.F. No. 1193, the first engrossment; and insert the title of S.F. No. 814, the first engrossment.

And when so amended H.F. No. 1193 will be identical to S.F. No. 814, and further recommends that H.F. No. 1193 be given its second reading and substituted for S.F. No. 814, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1556 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. |
| 1556 | 1446 | | | | |

and that the above Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. Nos. 450, 1193 and 1556 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Gazelka introduced—

S.F. No. 2155: A bill for an act relating to education finance; increasing local optional levy equalization for certain districts with seasonal recreational property; amending Minnesota Statutes 2014, section 126C.10, subdivision 2e.

Referred to the Committee on Finance.

Senators Osmek, Limmer and Hann introduced—

S.F. No. 2156: A bill for an act relating to water; reorganizing watershed management organizations wholly or partially located in Hennepin County into three watershed management organizations; proposing coding for new law in Minnesota Statutes, chapter 103B.

Referred to the Committee on Environment and Energy.

MOTIONS AND RESOLUTIONS

Senator Ingebrigtsen moved that his name be stricken as a co-author to S.F. No. 530. The motion prevailed.

Senator Westrom moved that the name of Senator Ingebrigtsen be added as a co-author to S.F. No. 2122. The motion prevailed.

Senator Hann introduced –

Senate Resolution No. 149: A Senate resolution honoring Marilyn Rateike on the occasion of her retirement.

Referred to the Committee on Rules and Administration.

SPECIAL ORDERS

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

S.F. Nos. 634, 229, H.F. No. 1770, S.F. Nos. 1025, 1735, 871, 856, 86, 1587 and H.F. No. 303.

SPECIAL ORDER

S.F. No. 634: A bill for an act relating to lawful gambling; making changes relating to games, licensing, reporting, and other regulatory provisions; making technical, clarifying, and conforming changes; amending Minnesota Statutes 2014, sections 349.12, subdivisions 3c, 18; 349.16, by adding a subdivision; 349.161, by adding a subdivision; 349.163, subdivision 9, by adding a subdivision; 349.1635, by adding a subdivision; 349.1641; 349.165, subdivision 5; 349.166; 349.168, subdivision 8; 349.169; 349.17, subdivisions 3, 7, 9; 349.1721, subdivision 4; 349.173;

349.181, subdivision 3; 349.19, subdivisions 2, 5; 349.211, subdivision 2; repealing Minnesota Statutes 2014, section 349.19, subdivision 9b.

Senator Scalze moved to amend S.F. No. 634 as follows:

Page 12, line 11, after "\$5" insert ", or as provided under paragraph (c) or (d)"

Page 12, after line 24, insert:

"(d) An organization that is permitted under this section and authorized by the Gambling Control Board to conduct raffles may, once each calendar year, conduct a raffle in conjunction with an organization membership event. The organization may sell a combined ticket for a single price for the membership event and raffle, provided that the combined ticket states the amount of the price that applies to the membership event, and the amount that applies to the raffle. All other provisions of sections 349.11 to 349.23 apply to the raffle."

Page 12, line 25, strike "(d)" and insert "(e)"

The motion prevailed. So the amendment was adopted.

S.F. No. 634 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 229: A bill for an act relating to gambling; making clarifying, conforming, and technical changes relating to lawful gambling; modifying games, prizes, and other provisions regulating the conduct of lawful gambling; prohibiting director of State Lottery from offering casino-style games; amending Minnesota Statutes 2014, sections 349.12, subdivision 18, by adding subdivisions; 349.16, by adding a subdivision; 349.163, by adding subdivisions; 349.1635, subdivision 4; 349.17, subdivisions 5, 6, 9; 349.1711, subdivisions 1, 2; 349.1721, subdivision 4; 349.173; 349.181, subdivision 3; 349.19, subdivisions 2, 10, 11; 349.211, subdivisions 1, 1a, 2, by adding a subdivision; 349A.13; repealing Minnesota Statutes 2014, sections 349.169; 349.19, subdivision 9.

Senator Clausen moved to amend S.F. No. 229 as follows:

Page 13, line 27, after the period, insert "The director of the State Lottery shall reimburse a business for reasonable expenses the business incurs to remove or replace equipment that the business installed to sell lottery tickets through a self-service device that is part of, shares a display with, or is adjacent to a retail petroleum dispenser under Minnesota Statutes, section 239.751."

Page 13, line 34, after "enactment" insert ". The requirement in paragraph (a) that the director of the State Lottery reimburse a business applies to expenses incurred prior to final enactment"

CALL OF THE SENATE

Senator Koenen imposed a call of the Senate for the balance of the proceedings on S.F. No. 229. The Sergeant at Arms was instructed to bring in the absent members.

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

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

Those who voted in the affirmative were:

| | | | | |
|-----------|--------------|--------------|--------|---------|
| Bonoff | Hawj | Nelson | Pratt | Westrom |
| Clausen | Ingebrigtsen | Nienow | Rosen | Wiger |
| Dahms | Kiffmeyer | Ortman | Senjem | |
| Eaton | Latz | Osmek | Sieben | |
| Fischbach | Limmer | Pappas | Sparks | |
| Gazelka | Metzen | Pederson, J. | Weber | |

Those who voted in the negative were:

| | | | | |
|-------------|----------|--------------|---------|------------|
| Anderson | Dziedzic | Jensen | Reinert | Thompson |
| Bakk | Eken | Johnson | Rest | Tomassoni |
| Brown | Goodwin | Kent | Ruud | Torres Ray |
| Carlson | Hall | Koenen | Saxhaug | Wiklund |
| Chamberlain | Hann | Lourey | Scalze | |
| Cohen | Hayden | Marty | Schmit | |
| Dahle | Hoffman | Newman | Skoe | |
| Dibble | Housley | Petersen, B. | Stumpf | |

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

Senator Pappas moved to amend S.F. No. 229 as follows:

Page 12, delete section 25

Page 13, delete section 26 and insert:

"Sec. 25. Minnesota Statutes 2014, section 349A.13, is amended to read:

349A.13 RESTRICTIONS.

Subdivision 1. Authorizations. ~~Nothing in this chapter~~ The director shall not:

- (1) ~~authorizes the director to~~ conduct a lottery game or contest the winner or winners of which are determined by the result of a sporting event other than a horse race conducted under chapter 240;
- (2) ~~authorizes the director to~~ install or operate a lottery device operated by coin or currency which when operated determines the winner of a game; ~~and~~
- (3) ~~authorizes the director to~~ sell pull-tabs as defined under section 349.12, subdivision 32; and

(4) offer the play of, on an electronic terminal, through a Web site, or by any other means or device, casino-style games, including, but not limited to, blackjack, craps, keno, dice games, roulette, or poker.

Subd. 2. **Self-service device and online sales.** (a) By August 1, 2018, the director of the State Lottery shall suspend the sale of lottery tickets through: (1) a self-service device that is part of, shares a display with, or is adjacent to a retail petroleum dispenser under section 239.751, including all contracts related to this activity; and (2) a self-service device that is part of, shares a display with, or is adjacent to an electronic financial terminal under section 47.61, subdivision 3, including all contracts related to this activity. The suspension under this paragraph remains in effect until repealed or amended by law.

(b) By August 1, 2018, the director of the State Lottery shall suspend the sale of instant win lottery tickets through a Web site, including all contracts related to this activity. The suspension under this paragraph remains in effect until repealed or amended by law. The suspension under this paragraph does not apply to the sale of tickets of a joint lottery within the meaning of section 349A.02, subdivision 3, or games that rely on a drawing to select a winner.

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

Senator Nelson moved that S.F. No. 229 be laid on the table.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 8 and nays 55, as follows:

Those who voted in the affirmative were:

| | | | |
|-----------|--------|--------|-------|
| Bonoff | Latz | Pappas | Weber |
| Fischbach | Nelson | Rosen | Wiger |

Those who voted in the negative were:

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

The motion did not prevail.

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

The roll was called, and there were yeas 20 and nays 44, as follows:

Those who voted in the affirmative were:

| | | | | |
|---------|-----------|--------|--------|---------|
| Bonoff | Dibble | Kent | Metzen | Reinert |
| Carlson | Eaton | Latz | Nelson | Rosen |
| Clausen | Fischbach | Lourey | Pappas | Sieben |

Sparks Tomassoni Torres Ray Weber Wiger

Those who voted in the negative were:

| | | | | |
|-------------|---------|--------------|--------------|----------|
| Anderson | Eken | Housley | Nienow | Scalze |
| Bakk | Franzen | Ingebrigtsen | Ortman | Schmit |
| Brown | Gazelka | Jensen | Osmek | Senjem |
| Chamberlain | Goodwin | Johnson | Pederson, J. | Skoe |
| Champion | Hall | Kiffmeyer | Petersen, B. | Stumpf |
| Cohen | Hann | Koenen | Pratt | Thompson |
| Dahle | Hawj | Limmer | Rest | Westrom |
| Dahms | Hayden | Marty | Ruud | Wiklund |
| Dziedzic | Hoffman | Newman | Saxhaug | |

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

S.F. No. 229 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

Senator Limmer moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 56 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | |
|-----------|--------|--------|-----------|
| Bonoff | Latz | Pappas | Tomassoni |
| Fischbach | Metzen | Rosen | Wiger |

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1770: A bill for an act relating to courts; providing for conciliation court jurisdiction to determine claims by a county against a nonresident; amending Minnesota Statutes 2014, section 491A.01, subdivision 3a, by adding a subdivision.

Senator Schmit moved that the amendment made to H.F. No. 1770 by the Committee on Rules and Administration in the report adopted May 5, 2015, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1770 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1025: A bill for an act relating to civil actions; modifying certain protections related to public participation in government; amending Minnesota Statutes 2014, sections 554.01, subdivision 6; 554.05; proposing coding for new law in Minnesota Statutes, chapter 554; repealing Minnesota Statutes 2014, section 604A.34.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1735: A bill for an act relating to energy; allowing performance-based, multiyear rate plans; providing for competitive rate schedules for energy-intensive trade-exposed electric utility customers; amending Minnesota Statutes 2014, sections 216B.16, subdivisions 6, 7b, 19; 216B.2425.

Senator Marty moved to amend S.F. No. 1735 as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2014, section 16C.144, is amended to read:

16C.144 GUARANTEED ENERGY-SAVINGS PROGRAM.

Subdivision 1. **Definitions.** The following definitions apply to this section.

(a) "Utility" means electricity, natural gas, or other energy resource, water, and wastewater.

(b) "Utility cost savings" means the difference between the utility costs after installation of the utility cost-savings measures pursuant to the guaranteed energy-savings agreement and the baseline utility costs after baseline adjustments have been made.

(c) "Baseline" means the preagreement utilities, operations, and maintenance costs.

(d) "Utility cost-savings measure" means a measure that produces utility cost savings or operation and maintenance cost savings.

(e) "Operation and maintenance cost savings" means a measurable difference between operation and maintenance costs after the installation of the utility cost-savings measures pursuant to the guaranteed energy-savings agreement and the baseline operation and maintenance costs after inflation adjustments have been made. Operation and maintenance costs savings shall not include savings from in-house staff labor.

(f) "Guaranteed energy-savings agreement" means an agreement for the installation of one or more utility cost-savings measures that includes the qualified provider's guarantee as required under subdivision 2.

(g) "Baseline adjustments" means adjusting the utility cost-savings baselines annually for changes in the following variables:

(1) utility rates;

(2) number of days in the utility billing cycle;

(3) square footage of the facility;

(4) operational schedule of the facility;

(5) facility temperature set points;

(6) weather; and

(7) amount of equipment or lighting utilized in the facility.

(h) "Inflation adjustment" means adjusting the operation and maintenance cost-savings baseline annually for inflation.

(i) ~~"Lease purchase agreement Project financing" means an agreement~~ any type of financing including but not limited to lease, lease purchase, installment agreements, or bonds for those other than the state who have bonding authority, obligating the state to make regular lease payments to satisfy the lease costs of the utility cost-savings measures until the final payment, after which time the utility cost-savings measures become the sole property of the state of Minnesota.

(j) "Qualified provider" means a person or business experienced in the design, implementation, and installation of utility cost-savings measures.

(k) "Engineering report" means a report prepared by a professional engineer licensed by the state of Minnesota summarizing estimates of all costs of installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, and estimates of the amounts by which utility and operation and maintenance costs will be reduced.

(l) "Capital cost avoidance" means money expended by a state agency to pay for utility cost-savings measures with a guaranteed savings agreement so long as the measures that are being implemented to achieve the utility, operation, and maintenance cost savings are a significant portion of an overall project as determined by the commissioner.

(m) "Guaranteed energy-savings program guidelines" means policies, procedures, and requirements of guaranteed savings agreements established by the Department of Administration.

Subd. 2. **Guaranteed energy-savings agreement.** The commissioner may enter into a guaranteed energy-savings agreement with a qualified provider if:

(1) the qualified provider is selected through a competitive process in accordance with the guaranteed energy-savings program guidelines within the Department of Administration;

(2) the qualified provider agrees to submit an engineering report prior to the execution of the guaranteed energy-savings agreement. The cost of the engineering report may be considered as part of the implementation costs if the commissioner enters into a guaranteed energy-savings agreement with the provider;

(3) the term of the guaranteed energy-savings agreement shall not exceed 25 years from the date of final installation;

(4) the commissioner finds that the amount it would spend, less the amount contributed for capital cost avoidance, on the utility cost-savings measures recommended in the engineering report will not exceed the amount to be saved in utility operation and maintenance costs over 25 years from the date of implementation of utility cost-savings measures;

(5) the qualified provider provides a written guarantee that the annual utility, operation, and maintenance cost savings during the term of the guaranteed energy-savings agreement will meet or exceed the annual payments due under ~~a lease purchase agreement~~ the project financing. The qualified provider shall reimburse the state for any shortfall of guaranteed utility, operation, and maintenance cost savings; and

(6) the qualified provider gives a sufficient bond in accordance with section 574.26 to the commissioner for the faithful implementation and installation of the utility cost-savings measures.

Subd. 3. ~~Lease purchase agreement~~ **Project financing.** The commissioner may enter into ~~a lease purchase agreement~~ project financing with any party for the implementation of utility cost-savings measures in accordance with the guaranteed energy-savings agreement. ~~The implementation costs of the utility cost-savings measures recommended in the engineering report shall not exceed the amount to be saved in utility and operation and maintenance costs over the term of the lease purchase agreement.~~ The term of the ~~lease purchase agreement~~ project financing shall not exceed 25 years from the date of final installation. ~~The lease~~ project financing is assignable in accordance with terms approved by the commissioner of management and budget.

Subd. 4. **Use of capital cost avoidance.** The affected state agency may contribute funds for capital cost avoidance for guaranteed energy-savings agreements. Use of capital cost avoidance

is subject to the guaranteed energy-savings program guidelines within the Department of Administration.

Subd. 5. **Independent report.** For each guaranteed energy-savings agreement entered into, the commissioner of administration shall contract with an independent third party to evaluate the cost-effectiveness of each utility cost-savings measure implemented to ensure that such measures were the least-cost measures available. For the purposes of this section, "independent third party" means an entity not affiliated with the qualified provider, that is not involved in creating or providing conservation project services to that provider, and that has expertise (or access to expertise) in energy-savings practices.

Sec. 2. Minnesota Statutes 2014, section 216B.02, is amended by adding a subdivision to read:

Subd. 3a. **Propane.** "Propane" means a gas made of primarily propane and butane, and stored in liquid form in pressurized tanks.

Sec. 3. Minnesota Statutes 2014, section 216B.02, is amended by adding a subdivision to read:

Subd. 3b. **Propane storage facility.** "Propane storage facility" means a facility designed to store or capable of storing propane in liquid form in pressurized tanks.

Sec. 4. Minnesota Statutes 2014, section 216B.02, is amended by adding a subdivision to read:

Subd. 6b. **Synthetic gas.** "Synthetic gas" means flammable gas created from (1) gaseous, liquid, or solid hydrocarbons, or (2) other organic or inorganic matter. Synthetic gas includes hydrogen or methane produced through processing, but does not include propane.

Sec. 5. Minnesota Statutes 2014, section 216B.02, is amended by adding a subdivision to read:

Subd. 11. **Repowering.** "Repowering" means the modification of a large wind energy conversion system or a solar-powered large energy facility to increase efficiency, replace a large wind energy conversion system, or, if the Midcontinent Independent System Operator has provided a signed generator interconnection agreement that reflects the expected net power increase, an increase to the nameplate capacity of the wind energy conversion system.

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

Page 3, after line 26, insert:

"Sec. 8. Minnesota Statutes 2014, section 216B.16, subdivision 12, is amended to read:

Subd. 12. **Exemption for small gas utility franchise.** (a) A municipality may file with the commission a resolution of its governing body requesting exemption from the provisions of this section for a public utility that is under a franchise with the municipality to supply natural, manufactured, or mixed gas and that serves 650 or fewer customers in the municipality as long as the public utility serves no more than a total of ~~2,000~~ 5,000 customers.

(b) The commission shall grant an exemption from this section for that portion of a public utility's business that is requested by each municipality it serves. Furthermore, the commission shall also grant the public utility an exemption from this section for any service provided outside of a municipality's border that is considered by the commission to be incidental. The public utility shall file with the commission and the department all initial and subsequent changes in rates, tariffs, and contracts for service outside the municipality at least 30 days in advance of implementation.

(c) However, the commission shall require the utility to adopt the commission's policies and procedures governing disconnection during cold weather. The utility shall annually submit a copy of its municipally approved rates to the commission.

(d) In all cases covered by this subdivision in which an exemption for service outside of a municipality is granted, the commission may initiate an investigation under section 216B.17, on its own motion or upon complaint from a customer.

(e) If a municipality files with the commission a resolution of its governing body rescinding the request for exemption, the commission shall regulate the public utility's business in that municipality under this section.

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

Page 5, after line 6, insert:

"Sec. 12. Minnesota Statutes 2014, section 216B.1691, subdivision 2a, is amended to read:

Subd. 2a. **Eligible energy technology standard.** (a) Except as provided in paragraph (b), each electric utility shall generate or procure sufficient electricity generated by an eligible energy technology to provide its retail customers in Minnesota, or the retail customers of a distribution utility to which the electric utility provides wholesale electric service, so that at least the following standard percentages of the electric utility's total retail electric sales to retail customers in Minnesota are generated by eligible energy technologies by the end of the year indicated:

- | | | |
|-----|------|-------------|
| (1) | 2012 | 12 percent |
| (2) | 2016 | 17 percent |
| (3) | 2020 | 20 percent |
| (4) | 2025 | 25 percent. |

(b) An electric utility that owned a nuclear generating facility as of January 1, 2007, must meet the requirements of this paragraph rather than paragraph (a). An electric utility subject to this paragraph must generate or procure sufficient electricity generated by an eligible energy technology to provide its retail customers in Minnesota or the retail customer of a distribution utility to which the electric utility provides wholesale electric service so that at least the following percentages of the electric utility's total retail electric sales to retail customers in Minnesota are generated by eligible energy technologies by the end of the year indicated:

- | | | |
|-----|------|-------------|
| (1) | 2010 | 15 percent |
| (2) | 2012 | 18 percent |
| (3) | 2016 | 25 percent |
| (4) | 2020 | 30 percent. |

~~Of the 30 percent in 2020, at least 25 percent must be generated by solar energy or wind energy conversion systems and the remaining five percent by other eligible energy technology. Of the 25 percent that must be generated by wind or solar, no more than one percent may be solar generated and the remaining 24 percent or greater must be wind generated.~~

Sec. 13. Minnesota Statutes 2014, section 216B.2421, subdivision 2, is amended to read:

Subd. 2. **Large energy facility.** "Large energy facility" means:

(1) any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more and transmission lines directly associated with the plant that are necessary to interconnect the plant to the transmission system;

(2) any high-voltage transmission line with a capacity of 200 kilovolts or more and greater than 1,500 feet in length;

(3) any high-voltage transmission line with a capacity of 100 kilovolts or more with more than ten miles of its length in Minnesota or that crosses a state line;

(4) any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of coal, crude petroleum or petroleum fuels or oil, or their derivatives;

(5) any pipeline for transporting natural or synthetic gas at pressures in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota;

(6) any facility designed for or capable of storing on a single site more than 100,000 gallons of liquefied natural gas or synthetic gas, excluding propane storage facilities;

(7) any underground gas storage facility requiring a permit pursuant to section 103I.681;

(8) any nuclear fuel processing or nuclear waste storage or disposal facility; and

(9) any facility intended to convert any material into any other combustible fuel and having the capacity to process in excess of 75 tons of the material per hour."

Page 6, after line 36, insert:

"Sec. 15. **[216B.247] LARGE SOLAR ENERGY SYSTEM OR LWECs REPOWERING.**

(a) A large wind energy conversion system, as defined in section 216F.01, subdivision 2, or a solar-powered large energy facility, as defined in section 216B.2421, subdivision 2, engaging in a repowering project that will not result in the facility exceeding the nameplate capacity under its most recent interconnection agreement is exempt from the certificate of need requirements under section 216B.243.

(b) A large wind energy conversion system, as defined in section 216F.01, subdivision 2, or a solar-powered large energy facility, as defined in section 216B.2421, subdivision 2, engaging in a repowering project that will result in the facility exceeding the nameplate capacity under its most recent interconnection agreement is exempt from the certificate of need requirements under section 216B.243, if the project has obtained a signed generator interconnection agreement from the Midcontinent Independent System Operator that reflects the net power increase.

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

Sec. 16. Minnesota Statutes 2014, section 216C.31, is amended to read:

216C.31 ENERGY AUDIT PROGRAMS.

The commissioner shall develop state or approve programs of for energy audits of residential and commercial buildings including the training and qualifications necessary auditors for the auditing

of residential and commercial buildings under ~~the auspices of~~ a program created under section 216B.241, 216C.436, or any other energy program.

Sec. 17. Minnesota Statutes 2014, section 216C.435, subdivision 3a, is amended to read:

Subd. 3a. **Cost-effective energy improvements.** "Cost-effective energy improvements" mean energy improvements that have been identified in an energy audit or renewable energy system feasibility study as repaying their purchase and installation costs in 20 years or less, based on the amount of future energy saved and estimated future energy prices.

Sec. 18. Minnesota Statutes 2014, section 216C.435, subdivision 4, is amended to read:

Subd. 4. **Energy audit.** "Energy audit" means a formal evaluation of the energy consumption of a building by a ~~certified energy auditor, whose certification is approved by the commissioner~~ qualified professional, for the purpose of identifying appropriate energy improvements that could be made to the building and including an estimate of the length of time a specific energy improvement will take to repay its purchase and installation costs, based on the amount of energy saved and estimated future energy prices.

Sec. 19. Minnesota Statutes 2014, section 216C.435, subdivision 5, is amended to read:

Subd. 5. **Energy improvement.** "Energy improvement" means:

(1) any renovation or retrofitting of a building to improve energy efficiency that is permanently affixed to the property and that results in a net reduction in energy consumption without altering the principal source of energy;

(2) permanent installation of new or upgraded electrical circuits and related equipment to enable electrical vehicle charging; ~~or~~

(3) a renewable energy system attached to, installed within, or proximate to a building that generates electrical or thermal energy from a renewable energy source; or

(4) the installation of infrastructure, machinery, and appliances that will allow natural gas to be used as a heating fuel on the premises of a building that was previously not connected to a source of natural gas.

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

Sec. 20. Minnesota Statutes 2014, section 216C.435, subdivision 10, is amended to read:

Subd. 10. **Renewable energy system feasibility study.** "Renewable energy system feasibility study" means a written study, conducted by a ~~contractor~~ qualified professional trained to perform that analysis, for the purpose of determining the feasibility of installing a renewable energy system in a building, including an estimate of the length of time a specific renewable energy system will take to repay its purchase and installation costs, based on the amount of energy saved and estimated future energy prices. For a geothermal energy improvement, the feasibility study must calculate net savings in terms of nongeothermal energy and costs.

Sec. 21. Minnesota Statutes 2014, section 216C.435, is amended by adding a subdivision to read:

Subd. 13. **Qualified professional.** "Qualified professional" means an individual who has successfully completed one of the programs developed or approved by the commissioner, as referenced in section 216C.31.

Sec. 22. Minnesota Statutes 2014, section 216C.436, subdivision 1, is amended to read:

Subdivision 1. **Program authority.** An implementing entity may establish a program to finance energy improvements to enable owners of qualifying real property to pay for cost-effective energy improvements to the qualifying real property ~~with the net proceeds and interest earnings of revenue bonds authorized in this section.~~ An implementing entity may limit the number of qualifying real properties for which a property owner may receive program financing.

Sec. 23. Minnesota Statutes 2014, section 216C.436, subdivision 2, is amended to read:

Subd. 2. **Program requirements.** ~~A~~ The implementing entity must ensure that a financing program must:

(1) ~~impose~~ imposes requirements and conditions on financing arrangements to ensure timely repayment;

(2) ~~require~~ requires an energy audit or renewable energy system feasibility study to be conducted on the qualifying real property and reviewed by the implementing entity prior to approval of the financing;

(3) ~~require~~ requires the inspection of all installations and a performance verification of at least ten percent of the energy improvements financed by the program;

(4) ~~does not prohibit~~ the financing of all cost-effective energy improvements not otherwise prohibited by this section;

(5) ~~require~~ requires that all cost-effective energy improvements ~~be made to a qualifying real property are completed and operational prior to, or in conjunction with, an applicant's repayment of financing for energy improvements for that property~~ the first scheduled assessment payment due to the taxing authority;

(6) ~~have~~ has energy improvements financed by the program performed by licensed contractors as required by chapter 326B or other law or ordinance;

(7) ~~require~~ requires disclosures to borrowers by the implementing entity of the risks involved in borrowing, including the risk of ~~foreclosure~~ forfeiture if a tax delinquency results from a default;

(8) ~~provide~~ provides financing only to those who demonstrate an ability to repay;

(9) ~~does not provide~~ financing for a qualifying real property in which the owner is not current on mortgage or real property tax payments;

(10) ~~require~~ requires a petition to the implementing entity by all owners of the qualifying real property requesting collections of repayments as a special assessment under section 429.101;

(11) ~~provide~~ provides that payments and assessments are not accelerated due to a default and that a tax delinquency exists only for assessments not paid when due; and

(12) ~~require~~ requires that liability for special assessments related to the financing runs with the qualifying real property.

Sec. 24. Minnesota Statutes 2014, section 216E.01, subdivision 5, is amended to read:

Subd. 5. **Large electric power generating plant.** "Large electric power generating plant" shall mean electric power generating equipment and associated facilities designed for or capable of

operation at a capacity of 50,000 kilowatts or more, or a solar energy generating system designed for or capable of operation at a capacity of 10,000 kilowatts or more.

Sec. 25. Minnesota Statutes 2014, section 216E.021, is amended to read:

216E.021 SOLAR ENERGY SYSTEM SIZE DETERMINATION.

(a) This section must be used to determine whether a combination of solar energy generating systems meets the definition of large electric power generating plant and is subject to the commission's siting authority jurisdiction under this chapter. The alternating current nameplate capacity of one solar energy generating system must be combined with the alternating current nameplate capacity of any other solar energy generating system that:

- (1) is constructed within the same 12-month period as the solar energy generating system; and
- (2) exhibits characteristics of being a single development, including but not limited to ownership structure, an umbrella sales arrangement, shared interconnection, revenue sharing arrangements, and common debt or equity financing.

(b) An application to a county or municipality for a permit to construct a solar energy generating system with a capacity of 1,000 kilowatts or greater is not complete unless it includes a solar energy system size determination under this section.

~~(b)~~ (c) The commissioner of commerce shall provide forms and assistance for applicants to make a request for a size determination. Upon written request of an applicant, the commissioner shall provide a written size determination within 30 days of receipt of the request and of any information requested by the commissioner. In the case of a dispute, the chair of the Public Utilities Commission shall make the final size determination.

Sec. 26. Minnesota Statutes 2014, section 216E.03, subdivision 3, is amended to read:

Subd. 3. **Application.** Any person seeking to construct a large electric power generating plant or a high-voltage transmission line must apply to the commission for a site or route permit. The application shall contain such information as the commission may require. The applicant shall propose at least two sites for a large electric power generating plant and two routes for a high-voltage transmission line, except that an applicant shall only be required to propose one site for a large electric power generating plant that is a solar energy generating system. Neither of the two proposed routes may be designated as a preferred route and all proposed routes must be numbered and designated as alternatives. The commission shall determine whether an application is complete and advise the applicant of any deficiencies within ten days of receipt. An application is not incomplete if information not in the application can be obtained from the applicant during the first phase of the process and that information is not essential for notice and initial public meetings.

Sec. 27. Minnesota Statutes 2014, section 216E.05, subdivision 2, is amended to read:

Subd. 2. **Applicable projects.** Applicants may seek approval from local units of government to construct the following projects:

- (1) large electric power generating plants, except solar energy generating systems, with a capacity of less than 80 megawatts;
- (2) large electric power generating plants of any size that burn natural gas and are intended to be a peaking plant;

- (3) high-voltage transmission lines of between 100 and 200 kilovolts;
- (4) substations with a voltage designed for and capable of operation at a nominal voltage of 100 kilovolts or more;
- (5) a high-voltage transmission line service extension to a single customer between 200 and 300 kilovolts and less than ten miles in length; and
- (6) a high-voltage transmission line rerouting to serve the demand of a single customer when the rerouted line will be located at least 80 percent on property owned or controlled by the customer or the owner of the transmission line.

Sec. 28. [216E.055] SOLAR FACILITY PERMIT AUTHORITY; ASSUMPTION BY COUNTIES AND MUNICIPALITIES.

(a) A county or municipality may, by resolution and upon written notice to the Public Utilities Commission, assume responsibility for processing applications for permits required under this chapter for large electric power generating plants solely within their jurisdiction that are solar energy generating systems up to 25,000 kilowatts. If a county or municipality assumes the responsibility for permit application processing, the county or municipality may delegate the authority to issue the permit to an appropriate county officer or employee; or the county or municipality may determine the permit application should be processed as a conditional use in accordance with procedures and processes established under chapter 394 or 462.

(b) A county or municipality that exercises its option under paragraph (a) may issue, deny, modify, impose conditions upon, or revoke permits pursuant to this section. The action of the county or municipality about a permit application is final, subject to appeal.

(c) The commission shall, by order, establish general permit standards, including appropriate set-backs, governing site permits for solar energy generating systems under this chapter. The order must consider existing and historic commission standards for permits issued by the commission. The general permit standards shall apply to permits issued by counties and municipalities under this section and to permits issued by the commission under this chapter. The commission or a county or municipality may grant a variance from a general permit standard if the variance is found to be in the public interest.

(d) A county or municipality may by ordinance adopt standards for solar energy generating systems that are more stringent than standards in commission rules or in the commission's permit standards. The commission, when considering a permit application for a solar energy generating system in a jurisdiction that has assumed permitting authority under this section, shall consider and apply the jurisdiction's more stringent standards unless the commission finds good cause to not apply the standards.

(e) The commission and the commissioner of commerce shall provide technical assistance to a county or municipality with respect to the processing of site permit applications for solar energy generating systems under this section.

(f) This section does not exempt applicants from the requirements under section 216E.021.

Sec. 29. Minnesota Statutes 2014, section 453A.02, subdivision 5, is amended to read:

Subd. 5. **Gas.** "Gas" means either natural or synthetic gas, ~~including~~ propane, manufactured gas, methane from coal beds, geothermal gas, or any mixture thereof, whether in gaseous or liquid form, or any by-product resulting therefrom.

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

Page 7, line 6, delete everything after "that" and insert "provides electric service at retail to fewer than 200,000 customers"

Page 7, line 22, delete everything after "that" and insert "provides electric service at retail to fewer than 200,000 customers may propose an"

Page 7, line 23, after "schedule" insert "within its service territory"

Page 8, after line 22, insert:

"Sec. 31. **REPEALER.**

Minnesota Statutes 2014, section 216C.436, subdivision 6, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed So the amendment was adopted.

Senator Marty moved to amend S.F. No. 1735 as follows:

Page 5, after line 6, insert:

"Sec. 4. **[216B.1615] ELECTRIC VEHICLE PROMOTION PROGRAM.**

Subdivision 1. **Definitions.** (a) For the purposes of this section and section 216B.1616, the terms defined in this subdivision have the meanings given them.

(b) "Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy storage device in an electric vehicle.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including electric vehicle charging stations and battery exchange stations.

(d) "Public utility" has the meaning given in section 216B.02, subdivision 4.

(e) "Electric vehicle" or "plug-in vehicle" mean an electric drive motor vehicle that draws propulsion using a traction battery that has at least five kilowatt hours (kWh) of capacity, uses an external source of energy to recharge the battery, and has a gross vehicle weight rating of up to 14,000 pounds.

Subd. 2. **Program.** (a) By February 1, 2016, each public utility serving a city of the first class must file with the commission a program to promote the purchase of electric vehicles by their customers and the construction of electric vehicle infrastructure.

(b) The program may include, but is not limited to, the following elements:

(1) educational resources for individuals, electric vehicle dealers, multifamily housing developers and property management companies, and vehicle fleet managers; and

(2) rebates for installing electric vehicle charging stations at residences or workplaces.

Subd. 3. **Program review and implementation.** The commissioner of commerce shall review the program plans submitted under this section. The commissioner shall approve, modify, or reject the plan based on the plan's effectiveness in promoting electric vehicles among utility customers, and the extent to which the plan will result in the construction of electric vehicle infrastructure. If the commissioner rejects a utility's plan, the utility must submit a new plan for commissioner review within 75 days of the notice of rejection. The utility shall begin implementing the plan within 90 days of commissioner approval.

Subd. 4. **Cost recovery.** Notwithstanding section 216B.16, subdivision 8, clause (3), the commission shall approve recovery of costs for expenses incurred by a public utility to provide public advertisement as part of a promotion program and the costs reasonably incurred to implement and administer the program in subdivision 2.

Subd. 5. **Reporting.** Beginning one year after implementing a program approved by the commissioner, each public utility implementing a plan under this section shall report annually to the commissioner on its activities to promote electric vehicle usage and the outcomes of those efforts and the potential to utilize plug-in vehicles as dynamic demand response resources or to develop vehicle-to-grid technology."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Skoe moved to amend S.F. No. 1735 as follows:

Page 5, after line 6, insert:

"Sec. 4. **[216B.1638] RECOVERY OF NATURAL GAS EXTENSION PROJECT COSTS.**

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

(b) "Contribution in aid of construction" means a monetary contribution, paid by a developer or local unit of government to a utility providing natural gas service to a community receiving that service as the result of a natural gas extension project, that reduces or offsets the difference between the total revenue requirement of the project and the revenue generated from the customers served by the project.

(c) "Developer" means a developer of the project or a person that owns or will own the property served by the project.

(d) "Local unit of government" means a city, county, township, commission, district, authority, or other political subdivision or instrumentality of this state.

(e) "Natural gas extension project" or "project" means the construction of new infrastructure or upgrades to existing natural gas facilities necessary to serve currently unserved or inadequately served areas.

(f) "Revenue deficiency" means the deficiency in funds that results when projected revenues from customers receiving natural gas service as the result of a natural gas extension project, plus any contributions in aid of construction paid by these customers, fall short of the total revenue requirement of the natural gas extension project.

(g) "Total revenue requirement" means the total cost of extending and maintaining service to a currently unserved or inadequately served area.

(h) "Unserved or inadequately served area" means an area in this state lacking adequate natural gas pipeline infrastructure to meet the demand of existing or potential end-use customers.

Subd. 2. **Filing.** (a) A public utility may petition the commission outside of a general rate case for a rider that shall include all of the utility's customers, including transport customers, to recover the revenue deficiency from a natural gas extension project.

(b) The petition shall include:

(1) a description of the natural gas extension project, including the number and location of new customers to be served and the distance over which natural gas will be distributed to serve the unserved or inadequately served area;

(2) the project's construction schedule;

(3) the proposed project budget;

(4) the amount of any contributions in aid of construction;

(5) a description of efforts made by the public utility to offset the revenue deficiency through contributions in aid to construction;

(6) the proposed method and amount of recovery by customer class and whether the utility is proposing that the rider be a flat fee, a volumetric charge, or another form of recovery;

(7) how recovery of the revenue deficiency will be allocated between industrial, commercial, residential, and transport customers;

(8) the proposed termination date of the rider to recover the revenue deficiency; and

(9) a description of benefits to the public utility's existing natural gas customers that will accrue from the natural gas extension project.

Subd. 3. **Review; approval.** (a) The commission shall allow opportunity for comment on the petition.

(b) The commission may approve a public utility's petition for a rider to recover the costs of a natural gas extension project if it determines that:

(1) the project is designed to extend natural gas service to an unserved or inadequately served area; and

(2) project costs are reasonable and prudently incurred.

(c) The commission must not approve a rider under this section that allows a utility to recover more than 33 percent of the costs of a natural gas extension project.

(d) The revenue deficiency from a natural gas extension project recoverable through a rider under this section must include the currently authorized rate of return, incremental income taxes, incremental property taxes, incremental depreciation expenses, and any incremental operation and maintenance costs.

Subd. 4. **Commission authority; order.** The commission may issue orders necessary to implement and administer this section.

Subd. 5. **Implementation.** Nothing in this section commits a public utility to implement a project approved by the commission. The public utility seeking to provide natural gas service shall notify the commission whether it intends to proceed with the project as approved by the commission.

Subd. 6. **Evaluation and report.** By January 15, 2017, and every three years thereafter, the commission shall report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over energy:

- (1) the number of public utilities and projects proposed and approved under this section;
- (2) the total cost of each project;
- (3) rate impacts of the cost recovery mechanism; and
- (4) an assessment of the effectiveness of the cost recovery mechanism in realizing increased natural gas service to unserved or inadequately served areas from natural gas extension projects.

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 motion prevailed. So the amendment was adopted.

S.F. No. 1735 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 59 and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | |
|----------|-------|--------|----------|
| Anderson | Brown | Ortman | Thompson |
|----------|-------|--------|----------|

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

SPECIAL ORDER

S.F. No. 871: A bill for an act relating to higher education; regulating the process for determining whether a student at the Minnesota State Colleges and Universities requires remedial education; proposing coding for new law in Minnesota Statutes, chapter 136F.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 856: A bill for an act relating to education; directing eligible public postsecondary institutions to give full credit to students for completed PSEO courses; requiring a report; amending Minnesota Statutes 2014, sections 124D.09, subdivision 12; 135A.101, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 86: A bill for an act relating to data practices; classifying data related to automated license plate readers; requiring a log of use; requiring data to be destroyed in certain circumstances; amending Minnesota Statutes 2014, section 13.82, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 626.

Senator Latz moved to amend S.F. No. 86 as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2014, section 13.82, subdivision 15, is amended to read:

Subd. 15. **Public benefit data.** Any law enforcement agency may make any data classified as confidential or protected nonpublic pursuant to subdivision 7 or as private or nonpublic under subdivision 32 accessible to any person, agency, or the public if the agency determines that the access will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest."

Page 3, after line 28, insert:

"Sec. 3. Minnesota Statutes 2014, section 13.82, is amended by adding a subdivision to read:

Subd. 32. Portable recording systems. (a) As used in this subdivision:

(1) "portable recording system data" means audio or video data collected by a device worn by a peace officer that is capable of both video and audio recording of the officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation;

(2) "public place" means a location that is accessible to the general public where individuals do not have a reasonable expectation of privacy with respect to audio or video recording of their activities and interactions with others; and

(3) "redact" means to blur video or distort audio so that the identity of the subject in a recording is obscured sufficiently to render the subject unidentifiable.

For purposes of this subdivision, the peace officer who collected the portable recording system data or an officer whose image or voice is recorded is a subject of the data, regardless of whether the officer is or can be identified by the recording.

(b) Portable recording system data are private data on individuals or nonpublic data unless the recording occurred in a public place and:

(1) the incident involved the use of a dangerous weapon by a peace officer or use of physical coercion by a peace officer that causes at least substantial bodily harm, as those terms are defined in section 609.02; or

(2) a subject of the data requests that the data be accessible to the public, provided that data on a subject who is not a peace officer and who does not consent to the release must be redacted, if practicable.

A law enforcement agency may withhold access to data that are public under this paragraph or redact the data to the extent that the data are clearly offensive to common sensibilities.

(c) Notwithstanding paragraph (b):

(1) portable recording system data that are criminal investigative data are governed by subdivision 7, except that inactive criminal investigative data are governed by paragraph (b);

(2) portable recording system data that are public personnel data under section 13.43, subdivision 2, paragraph (a), clause (5), are public; and

(3) data that are not public data under other provisions of this section retain that classification.

(d) Any person may bring an action in the district court located in the county where portable recording system data are being maintained to authorize disclosure of data that are private or nonpublic under this subdivision. The person bringing the action must give notice of the action to the law enforcement agency and subjects of the data, if known. The law enforcement agency must give notice to other subjects of the data, if known, who did not receive the notice from the person bringing the action. The court may order that all or part of the data be released to the public or to the person bringing the action. In making this determination, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency, or to a subject of the data. The data in dispute must be examined by the court in camera. This paragraph does not affect the right of a defendant in a criminal proceeding to obtain access to portable recording system data under the Rules of Criminal Procedure.

(e) A law enforcement agency that uses portable recording systems must maintain the following information, which is public data:

(1) the total number of devices owned or maintained by the agency;

(2) a daily record of the total number of devices actually deployed and used by officers and, if applicable, the precincts in which they were used;

(3) the law enforcement agency's policies and procedures for use of portable recording systems; and

(4) the total amount of recorded audio and video data collected by portable recording systems and maintained by the agency and the agency's retention schedule for the data and procedures for destruction.

(f) Notwithstanding section 138.17, portable recording system data that are not active or inactive criminal investigative data and are not described in paragraph (g) must be maintained for at least 90 days and destroyed within one year of the date the data were collected.

(g) Portable recording system data must be maintained for at least one year and destroyed within three years of the date the data were collected if:

(1) the incident involved the use of a dangerous weapon by a peace officer or use of physical coercion by a peace officer that causes at least substantial bodily harm, as those terms are defined in section 609.02; or

(2) a formal complaint is made against a peace officer related to the incident.

(h) If a subject of the data submits a written request to the law enforcement agency to retain portable recording system data beyond the applicable retention period for possible evidentiary or exculpatory use in a future proceeding related to the circumstances under which the data were

collected, the law enforcement agency shall retain the recording for an additional time period requested by the subject of up to 180 days and notify the requester that the recording will then be destroyed unless a new request is made under this paragraph.

(i) Notwithstanding paragraphs (f) to (h), a government entity may retain portable recording system data as long as reasonably necessary for possible evidentiary or exculpatory use in a future proceeding related to the incident with respect to which the data were collected.

(j) An individual who is the subject of portable recording system data has access to the data, including data on other individuals who are the subject of the recording. If the individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy.

(k) A law enforcement agency using portable recording systems must arrange for an independent triennial audit of data collected from the systems to determine whether the data have been maintained, classified, and destroyed as required by this subdivision. Summary data related to the results of the audit are public data.

(l) A law enforcement agency must not use a portable recording system unless the agency has adopted and enforces a written policy governing the use and operation of portable recording systems and standards and procedures for complying with this subdivision. At a minimum, the policy must:

(1) establish strict procedures governing access to the data to ensure that the data are not edited, altered, or prematurely destroyed, except to the extent that redaction of data is required under this subdivision;

(2) include guidelines or standards governing the circumstances under which a portable recording system must or may be activated or deactivated and whether notice of use is required; and

(3) provide for training of peace officers for purposes of complying with this subdivision and the policy.

EFFECTIVE DATE. This section is effective the day following final enactment. Data collected before the effective date of this section must be destroyed, if required by this section, no more than 90 days after the effective date. Chief law enforcement officers shall adopt the policy under paragraph (l), by January 15, 2016.

Sec. 4. Minnesota Statutes 2014, section 13.82, is amended by adding a subdivision to read:

Subd. 33. Portable recording system vendor. (a) For purposes of this subdivision, "portable recording system vendor" means a person who is not a government entity and that provides services for the creation, collection, retention, maintenance, processing, or dissemination of portable recording system data for a law enforcement agency or other government entity. By providing these services to a government entity, a vendor is subject to all of the requirements of this chapter as if it were a government entity.

(b) Subject to paragraph (c), in an action against a vendor under section 13.08 for a violation of this chapter, the vendor is liable for presumed damages of \$2,500 or actual damages, whichever is greater, and reasonable attorney fees.

(c) In an action against a vendor that improperly discloses data made not public by this chapter or any other statute classifying data as not public, the vendor is liable for presumed damages of \$10,000 or actual damages, whichever is greater, and reasonable attorney fees."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Ortman questioned whether the amendment was germane.

The President ruled that the amendment was germane.

CALL OF THE SENATE

Senator Petersen, B. imposed a call of the Senate for the balance of the proceedings on S.F. No. 86. The Sergeant at Arms was instructed to bring in the absent members.

RECESS

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

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12.5, Senator Lourey moved that the following members be excused for a Conference Committee on S.F. No. 1458 at 2:00 p.m.:

Senators Lourey, Sheran, Hayden, Franzen and Rosen. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12.5, Senator Wiger moved that the following members be excused for a Conference Committee on H.F. No. 844 at 2:00 p.m.:

Senators Wiger, Dahle, Johnson, Stumpf and Pratt. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12.5, Senator Skoe moved that the following members be excused for a Conference Committee on H.F. No. 848 at 2:30 p.m.:

Senators Skoe, Rest, Dziedzic, Koenen and Gazelka. The motion prevailed.

SPECIAL ORDERS - CONTINUED

The Senate resumed consideration of S.F. No. 86 and the Latz amendment.

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

The roll was called, and there were yeas 34 and nays 25, as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|-----------|---------|---------|------------|
| Bakk | Dibble | Hawj | Lourey | Schmit |
| Bonoff | Eaton | Hayden | Marty | Sieben |
| Carlson | Eken | Hoffman | Nelson | Stumpf |
| Champion | Fischbach | Jensen | Newman | Torres Ray |
| Clausen | Franzen | Johnson | Pappas | Wiger |
| Cohen | Goodwin | Kent | Saxhaug | Wiklund |
| Dahle | Hall | Latz | Scalze | |

Those who voted in the negative were:

| | | | | |
|-------------|--------------|--------------|---------|-----------|
| Anderson | Housley | Nienow | Pratt | Sparks |
| Brown | Ingebrigtsen | Ortman | Reinert | Thompson |
| Chamberlain | Kiffmeyer | Osmek | Rosen | Tomassoni |
| Dahms | Limmer | Pederson, J. | Ruud | Weber |
| Hann | Metzen | Petersen, B. | Senjem | Westrom |

The motion prevailed. So the amendment was adopted.

Senator Petersen, B. moved that S.F. No. 86 be laid on the table.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 19 and nays 33, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|--------|--------------|----------|
| Anderson | Housley | Newman | Pederson, J. | Thompson |
| Chamberlain | Ingebrigtsen | Nienow | Petersen, B. | Weber |
| Dahms | Limmer | Ortman | Ruud | Westrom |
| Hann | Nelson | Osmek | Senjem | |

Those who voted in the negative were:

| | | | | |
|----------|-----------|-----------|---------|------------|
| Bakk | Dibble | Hoffman | Pappas | Stumpf |
| Bonoff | Eaton | Jensen | Reinert | Tomassoni |
| Carlson | Eken | Kent | Saxhaug | Torres Ray |
| Champion | Fischbach | Kiffmeyer | Scalze | Wiger |
| Clausen | Goodwin | Latz | Schmit | Wiklund |
| Cohen | Hall | Marty | Sieben | |
| Dahle | Hawj | Metzen | Sparks | |

The motion did not prevail.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12.5, Senator Tomassoni moved that the following members be excused for a Conference Committee on S.F. No. 2101 at 3:25 p.m.:

Senators Tomassoni, Jensen, Cohen, Sparks and Osmek. The motion prevailed.

Senator Petersen, B. moved to amend S.F. No. 86 as follows:

Page 1, delete line 24 and insert "reader must not be retained, in any format, unless, based on a search of the Minnesota license plate data file, the data identify a vehicle or license plate that has been stolen, there is a warrant for the arrest of the owner of the vehicle or the owner has a suspended or revoked driver's license, or the data are active investigative data."

Page 2, delete lines 1 to 13

Page 2, delete lines 27 to 36

Page 3, delete lines 1 to 10

Page 3, line 11, delete "(g)" and insert "(e)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 31, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------|--------------|----------|
| Anderson | Hann | Nelson | Petersen, B. | Thompson |
| Chamberlain | Housley | Newman | Pratt | Weber |
| Dahms | Kiffmeyer | Nienow | Ruud | Westrom |
| Dibble | Limmer | Ortman | Senjem | |

Those who voted in the negative were:

| | | | | |
|----------|--------------|---------|--------------|------------|
| Bonoff | Fischbach | Jensen | Pederson, J. | Torres Ray |
| Carlson | Franzen | Johnson | Reinert | Wiger |
| Champion | Goodwin | Kent | Saxhaug | Wiklund |
| Clausen | Hall | Latz | Scalze | |
| Dahle | Hawj | Marty | Schmit | |
| Eaton | Hoffman | Metzen | Sieben | |
| Eken | Ingebrigtsen | Pappas | Stumpf | |

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

Senator Petersen, B. moved to amend S.F. No. 86 as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2014, section 13.37, subdivision 1, is amended to read:

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

(a) "Security information" means government data the disclosure of which the responsible authority determines would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. "Security information" includes checking account numbers, crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home and mailing addresses, telephone numbers, e-mail or other digital addresses, Internet communication services accounts information or similar accounts information, and global positioning system locations. Security information does not include the disclosure of the existence, a description, or the capability of a surveillance technology.

(b) "Trade secret information" means government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

(c) "Labor relations information" means management positions on economic and noneconomic items that have not been presented during the collective bargaining process or interest arbitration, including information specifically collected or created to prepare the management position.

(d) "Parking space leasing data" means the following government data on an applicant for, or lessee of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, work telephone number, and location of the parking space."

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 22 and nays 24, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|--------|--------------|---------|
| Anderson | Hann | Limmer | Pederson, J. | Weber |
| Chamberlain | Housley | Nelson | Petersen, B. | Westrom |
| Dahms | Ingebrigtsen | Newman | Ruud | |
| Dibble | Kent | Nienow | Senjem | |
| Hall | Kiffmeyer | Ortman | Thompson | |

Those who voted in the negative were:

| | | | | |
|----------|-----------|---------|---------|------------|
| Bakk | Eaton | Hoffman | Pappas | Sieben |
| Bonoff | Eken | Jensen | Reinert | Stumpf |
| Carlson | Fischbach | Latz | Saxhaug | Torres Ray |
| Champion | Goodwin | Marty | Scalze | Wiklund |
| Cohen | Hawj | Metzen | Schmit | |

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

Senator Petersen, B. moved to amend S.F. No. 86 as follows:

Page 3, line 12, after "reader" insert "or the integration of automated license plate reader technology into another surveillance device"

Page 3, line 13, after "reader" insert "or other surveillance device with automated license plate reader capability"

Page 3, lines 19 and 24, after "readers" insert "or other surveillance devices with automated license plate reader capability"

The motion prevailed. So the amendment was adopted.

Senator Petersen, B. moved to amend the Latz amendment to S.F. No. 86, adopted by the Senate May 7, 2015, as follows:

Page 3, after line 34, insert:

"(m) Within ten days of obtaining new surveillance technology that expands the type or scope of surveillance capability of a portable recording system device beyond video or audio recording, a law enforcement agency must notify the Bureau of Criminal Apprehension that it has obtained the new surveillance technology. The notice must include a description of the technology and its surveillance capability and intended uses. The notices are accessible to the public and must be available on the bureau's Web site."

The motion prevailed. So the amendment was adopted.

Senator Petersen, B. moved to amend the Latz amendment to S.F. No. 86, adopted by the Senate May 7, 2015, as follows:

Page 3, after line 34, insert:

"(m) A law enforcement agency must not obtain or use a new surveillance technology that expands the type or scope of surveillance capability of a portable recording system device beyond video or audio recording unless the local governing body with jurisdiction over the law enforcement agency has authorized its use."

The motion prevailed. So the amendment was adopted.

Senator Petersen, B. moved to amend S.F. No. 86 as follows:

Page 4, after line 5, insert:

"Sec. 3. **[629.407] DETENTION OR SEARCH BASED ON AUTOMATED LICENSE PLATE READER DATA.**"

(a) For purposes of this section, "automated license plate reader" has the meaning given in section 13.82, subdivision 31.

(b) Data collected by an automated license plate reader must not be used as the sole grounds for detaining or taking the driver of a vehicle or an occupant into custody or conducting a search of the vehicle. Information to establish legal grounds for detaining or taking an individual into custody or conducting a search must be independently established or verified."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Petersen, B. moved to amend the Latz amendment to S.F. No. 86, adopted by the Senate May 7, 2015, as follows:

Page 1, line 12, after "systems" insert "; data"

Page 3, line 29, after the semicolon, insert "and"

Page 3, delete lines 30 to 32

Page 3, line 33, delete "(3)" and insert "(2)"

Page 4, after line 2, insert:

"Sec. 4. Minnesota Statutes 2014, section 13.82, is amended by adding a subdivision to read:

Subd. 33. **Portable recording systems; notice of use; deactivation.** (a) When a peace officer enters a dwelling without a warrant or in a nonemergency situation and is using a portable recording system, the officer must notify the individuals who are present that the system is recording and provide any resident of the dwelling with an opportunity to request that the system be turned off. If a request is made to turn off the system, the request must be recorded before the system is deactivated. If contradicting requests are made by more than one resident, those requests must be recorded and the system must remain activated.

(b) When a peace officer who is using a portable recording system begins an encounter with an individual in a nonemergency situation outside of a dwelling, the officer must notify the individual as close to the inception of the encounter as reasonably possible that the system is recording. The officer must provide the individual with the opportunity to request that the system be turned off if the individual is:

- (1) reporting a crime or stating that the individual is the victim of a crime; or
- (2) providing information regarding a crime or active law enforcement investigation.

If a request is made to turn off the system, the request must be recorded before the system is deactivated.

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

Page 4, line 5, delete "33" and insert "34"

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

Senator Petersen, B. moved to amend the Latz amendment to S.F. No. 86, adopted by the Senate May 7, 2015, as follows:

Page 2, line 3, delete everything after "7"

Page 2, line 4, delete everything before the semicolon

Page 2, line 5, after "public" insert "under subdivision 2, 3, or 6, or are public"

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

S.F. No. 86 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 41 and nays 19, as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|-----------|---------|--------------|------------|
| Bakk | Eaton | Jensen | Pappas | Skoe |
| Bonoff | Eken | Johnson | Pederson, J. | Stumpf |
| Carlson | Fischbach | Kent | Rest | Torres Ray |
| Champion | Franzen | Koenen | Rosen | Wiger |
| Clausen | Goodwin | Latz | Saxhaug | Wiklund |
| Cohen | Hall | Lourey | Scalze | |
| Dahle | Hawj | Marty | Schmit | |
| Dibble | Hayden | Metzen | Sheran | |
| Dziedzic | Hoffman | Nelson | Sieben | |

Those who voted in the negative were:

| | | | | |
|-------------|--------------|--------|--------------|----------|
| Anderson | Hann | Limmer | Petersen, B. | Thompson |
| Chamberlain | Housley | Newman | Pratt | Weber |
| Dahms | Ingebrigtsen | Nienow | Ruud | Westrom |
| Gazelka | Kiffmeyer | Ortman | Senjem | |

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Madam President:

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

S.F. No. 997: A bill for an act relating to insurance; long-term care; reducing the minimum permitted inflation protection for a long-term care insurance partnership policy; continuing to permit other types of inflation protection; amending Minnesota Statutes 2014, sections 62S.23, subdivision 1; 62S.24, by adding a subdivision.

Senate File No. 997 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 7, 2015

Senator Jensen moved that the Senate do not concur in the amendments by the House to S.F. No. 997, 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.

MOTIONS AND RESOLUTIONS - CONTINUED**SPECIAL ORDER**

S.F. No. 1587: A bill for an act relating to real property; extending the protection of the equity-stripping law to owners of agricultural property; amending Minnesota Statutes 2014, sections 325N.01; 325N.10, subdivisions 2, 7; 325N.17.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|--------------|------------|
| Anderson | Dibble | Ingebrigtsen | Ortman | Senjem |
| Bakk | Dziedzic | Johnson | Pappas | Sieben |
| Bonoff | Eaton | Kent | Pederson, J. | Stumpf |
| Carlson | Eken | Kiffmeyer | Petersen, B. | Thompson |
| Chamberlain | Fischbach | Latz | Pratt | Torres Ray |
| Champion | Hall | Limmer | Rest | Weber |
| Clausen | Hann | Marty | Ruud | Westrom |
| Cohen | Hawj | Metzen | Saxhaug | Wiger |
| Dahle | Hoffman | Nelson | Scalze | Wiklund |
| Dahms | Housley | Nienow | Schmit | |

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

CALL OF THE SENATE

Senator Cohen imposed a call of the Senate for the balance of the proceedings on H.F. No. 303. The Sergeant at Arms was instructed to bring in the absent members.

Senator Saxhaug moved to amend H.F. No. 303, the unofficial engrossment, as follows:

Page 93, line 13, after the period, insert "Of this amount, \$125,000 each year is for the Niigaane Ojibwe Immersion School."

The motion prevailed. So the amendment was adopted.

Senator Cohen moved to amend H.F. No. 303, the unofficial engrossment, as follows:

Page 45, line 9, delete the comma and insert a period

Page 45, delete lines 10 and 11

The motion prevailed So the amendment was adopted.

Senator Hoffman moved to amend H.F. No. 303, the unofficial engrossment, as follows:

Page 20, line 10, delete "Council on Disability" and insert "appropriate governor-appointed disability councils, boards, committees, and commissions"

Page 37, line 33, delete "Council" and insert "appropriate governor-appointed disability councils, boards, committees, and commissions"

Page 37, line 34, delete "on Disability"

Page 72, line 6, delete "Council on Disability" and insert "appropriate governor-appointed disability councils, boards, committees, and commissions"

Page 93, line 17, delete "Council on Disability" and insert "appropriate governor-appointed disability councils, boards, committees, and commissions"

The motion prevailed So the amendment was adopted.

Senator Senjem moved to amend H.F. No. 303, the unofficial engrossment, as follows:

Page 75, after line 28, insert:

"Sec. 6. Minnesota Statutes 2014, section 85.53, subdivision 2, is amended to read:

Subd. 2. **Expenditures; accountability.** (a) A project or program receiving funding from the parks and trails fund must meet or exceed the constitutional requirement to support parks and trails of regional or statewide significance. A project or program receiving funding from the parks and trails fund must include measurable outcomes, as defined in section 3.303, subdivision 10, and a plan for measuring and evaluating the results. A project or program must be consistent with current science and incorporate state-of-the-art technology, except when the project or program is a portrayal or restoration of historical significance.

(b) Money from the parks and trails fund shall be expended to balance the benefits across all regions and residents of the state.

(c) A state agency or other recipient of a direct appropriation from the parks and trails fund must compile and submit all information for funded projects or programs, including the proposed measurable outcomes and all other items required under section 3.303, subdivision 10, to the Legislative Coordinating Commission as soon as practicable or by January 15 of the applicable fiscal year, whichever comes first. The Legislative Coordinating Commission must post submitted information on the Web site required under section 3.303, subdivision 10, as soon as it becomes available.

(d) Grants funded by the parks and trails fund must be implemented according to section 16B.98 and must account for all expenditures. Proposals must specify a process for any regrants envisioned. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

(e) Money from the parks and trails fund may only be spent on projects located in Minnesota.

(f) When practicable, a direct recipient of an appropriation from the parks and trails fund shall prominently display on the recipient's Web site home page the legacy logo required under Laws 2009, chapter 172, article 5, section 10, as amended by Laws 2010, chapter 361, article 3, section 5, accompanied by the phrase "Click here for more information." When a person clicks on the legacy logo image, the Web site must direct the person to a Web page that includes both the contact information that a person may use to obtain additional information, as well as a link to the Legislative Coordinating Commission Web site required under section 3.303, subdivision 10.

(g) Future eligibility for money from the parks and trails fund is contingent upon a state agency or other recipient satisfying all applicable requirements in this section, as well as any additional requirements contained in applicable session law.

(h) Money appropriated from the parks and trails fund shall not be spent to acquire property by eminent domain unless the owner requests that the owner's property be acquired by eminent domain."

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 32 and nays 21, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|--------------|--------------|-----------|
| Anderson | Fischbach | Kiffmeyer | Petersen, B. | Stumpf |
| Bakk | Gazelka | Limmer | Pratt | Tomassoni |
| Bonoff | Hall | Nelson | Ruud | Weber |
| Chamberlain | Hann | Nienow | Saxhaug | Westrom |
| Clausen | Housley | Ortman | Senjem | |
| Dahms | Ingebrigtsen | Osmek | Skoe | |
| Eken | Jensen | Pederson, J. | Sparks | |

Those who voted in the negative were:

| | | | | |
|----------|---------|--------|------------|---------|
| Carlson | Eaton | Koenen | Scalze | Wiklund |
| Champion | Hawj | Latz | Schmit | |
| Cohen | Hoffman | Marty | Sieben | |
| Dahle | Johnson | Pappas | Torres Ray | |
| Dibble | Kent | Rest | Wiger | |

The motion prevailed. So the amendment was adopted.

Senator Rest moved to amend H.F. No. 303, the unofficial engrossment, as follows:

Page 93, after line 22, insert:

"Sec. 3. Minnesota Statutes 2014, section 16B.24, is amended by adding a subdivision to read:

Subd. 12. **State band.** The commissioner must provide free rehearsal and storage space in the same building in the capitol area, as defined in section 15B.02, to an entity known as the Minnesota State Band, a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code.

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

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 303 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 44 and nays 9, as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|--------------|--------------|---------|------------|
| Bakk | Eaton | Johnson | Pratt | Sparks |
| Bonoff | Eken | Kent | Rest | Stumpf |
| Carlson | Fischbach | Koenen | Ruud | Tomassoni |
| Champion | Gazelka | Latz | Saxhaug | Torres Ray |
| Clausen | Hawj | Marty | Scalze | Weber |
| Cohen | Hoffman | Nelson | Schmit | Westrom |
| Dahle | Housley | Nienow | Senjem | Wiger |
| Dahms | Ingebrigtsen | Pappas | Sieben | Wiklund |
| Dibble | Jensen | Pederson, J. | Skoe | |

Those who voted in the negative were:

Anderson
Chamberlain

Hall
Hann

Kiffmeyer
Limmer

Ortman
Osmek

Petersen, B.

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

RECESS

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

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

APPOINTMENTS

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

S.F. No. 1265: Senators Jensen, Metzen and Gazelka.

S.F. No. 997: Senators Jensen, Metzen and Gazelka.

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

MEMBERS EXCUSED

Senators Benson, Miller and Sheran were excused from the Session of today. Senator Westrom was excused from the Session of today from 11:00 a.m. to 12:10 p.m. Senator Franzen was excused from the Session of today from 11:00 a.m. to 12:30 p.m. Senator Champion was excused from the Session of today from 11:00 a.m. to 12:35 p.m. Senator Lourey was excused from the Session of today from 11:30 to 11:40 a.m. and from 1:00 to 2:00 p.m. Senator Cohen was excused from the Session of today from 11:30 a.m. to 12:10 p.m. Senator Bakk was excused from the Session of today from 11:50 a.m. to 12:10 p.m. and from 1:10 to 1:45 p.m. Senator Nelson was excused from the Session of today from 12:50 to 12:55 p.m. Senator Brown was excused from the Session of today at 3:05 p.m. Senator Reinert was excused from the Session of today at 4:00 p.m. Senators Goodwin and Newman were excused from the Session of today at 5:00 p.m. Senator Metzen was excused from the Session of today at 5:15 p.m. Senator Thompson was excused from the Session of today at 5:25 p.m.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Friday, May 8, 2015. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

