

NINETY-SEVENTH DAY

St. Paul, Minnesota, Wednesday, May 11, 2016

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. Richard Buller.

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:

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

The President declared a quorum present.

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12.5, Senator Dibble moved that the following members be excused for a Conference Committee on H.F. No. 4 from 11:00 to 11:30 a.m.:

Senators Dibble, Franzen, Jensen, Kent and Schmit. The motion prevailed.

REPORTS OF COMMITTEES

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

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

H.F. No. 2955 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.
2955	2584				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2955 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2955, the second engrossment; and insert the language after the enacting clause of S.F. No. 2584, the first engrossment; further, delete the title of H.F. No. 2955, the second engrossment; and insert the title of S.F. No. 2584, the first engrossment.

And when so amended H.F. No. 2955 will be identical to S.F. No. 2584, and further recommends that H.F. No. 2955 be given its second reading and substituted for S.F. No. 2584, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. No. 2955 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Senators Franzen and Sheran introduced—

S.F. No. 3616: A bill for an act relating to health; appropriating money for advanced care planning on end-of-life care choices.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Limmer moved that his name be stricken as a co-author to S.F. No. 3605. The motion prevailed.

Senator Kiffmeyer introduced –

Senate Resolution No. 279: A Senate resolution congratulating Josephine Zehnle Terwey of Long Prairie, Minnesota, on her 100th birthday.

Referred to the Committee on Rules and Administration.

Senator Bakk moved that H.F. No. 2014 be taken from the table and given a second reading. The motion prevailed.

H.F. No. 2014: A bill for an act relating to transportation; providing for appeal process for denial or revocation of driveway permit by commissioner of transportation; amending Minnesota Statutes 2014, section 160.18, by adding a subdivision.

H.F. No. 2014 was read the second time.

Senator Bakk moved that H.F. No. 2014 be laid on the table. The motion prevailed.

RECESS

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

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

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

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. No. 1474, H.F. No. 71, S.F. No. 2603, H.F. Nos. 2478 and 3931.

SPECIAL ORDER

S.F. No. 1474: A bill for an act relating to health; modifying licensing requirements for body piercing technicians; amending Minnesota Statutes 2014, sections 146B.01, subdivision 28; 146B.03, subdivisions 4, 6, 7, by adding a subdivision; 146B.07, subdivisions 1, 2.

Senator Hoffman moved to amend S.F. No. 1474 as follows:

Page 1, line 11, delete "and is within five feet" and insert ", and is within five feet and is in the line of sight"

The motion prevailed. So the amendment was adopted.

S.F. No. 1474 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 52 and nays 6, as follows:

Those who voted in the affirmative were:

Abeler
Benson

Bonoff
Carlson

Chamberlain
Clausen

Cohen
Dahle

Dahms
Dibble

Dziedzic	Hayden	Limmer	Pratt	Sparks
Eaton	Hoffman	Metzen	Rest	Tomassoni
Eken	Housley	Miller	Ruud	Torres Ray
Fischbach	Ingebrigtsen	Nelson	Saxhaug	Weber
Franzen	Jensen	Nienow	Scalze	Wiger
Gazelka	Johnson	Ortman	Schmit	Wiklund
Hall	Kent	Osmek	Sheran	
Hann	Koenen	Pappas	Sieben	
Hawj	Latz	Pederson	Skoe	

Those who voted in the negative were:

Anderson	Newman	Senjem
Brown	Reinert	Thompson

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

SPECIAL ORDER

H.F. No. 71: A bill for an act relating to public safety; creating an enhanced penalty for criminal vehicular homicide occurring within ten years of a qualified offense; amending Minnesota Statutes 2014, sections 609.2111; 609.2112, subdivision 1; 609.2114, subdivision 1.

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:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2603: A bill for an act relating to human rights; adding a requirement for closed captioning on televisions in medical facilities; amending Minnesota Statutes 2014, sections 363A.11, subdivision 3; 363A.12, by adding a subdivision.

Senator Johnson moved to amend S.F. No. 2603 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [144.611] CAPTIONING REQUIRED.

(a) This section applies to health care facilities licensed under this chapter.

(b) Any television in a waiting room provided for use by the general public, or by individuals using or requesting services, must have a closed captioning feature activated at all times if the television includes a captioning feature. A health care facility must make reasonable efforts to prevent members of the general public and individuals using or requesting services from independently deactivating a captioning feature.

(c) It is not a violation of this section if the captioning feature is deactivated by a member of the general public or an individual using or requesting services, so long as the captioning is reactivated as soon as practicable by a member of the facility staff upon knowledge that the deactivation has occurred.

(d) This section does not affect any other provision of law relating to disability discrimination or providing reasonable accommodations or diminish the rights of a person with a disability under other law."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Johnson moved to amend the Johnson amendment to S.F. No. 2603, adopted by the Senate May 11, 2016, as follows:

Page 1, after line 16, insert:

"Sec. 2. [144D.12] HOME CARE AND HOUSING SERVICES ELECTRONIC MONITORING.

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

(b) "Electronic monitoring device" means a video or audio broadcasting or recording device that broadcasts or records activity or sounds occurring in a residence.

(c) "Home care provider" has the meaning given in section 144A.43, subdivision 4.

(d) "Housing with services establishment" has the meaning given in section 144D.01, subdivision 4, and includes an establishment providing assisted living services under chapter 144G.

(e) "Legal representative" means a court-appointed guardian or individual with current legal authority to make decisions about health services for a resident under a health care directive or power of attorney.

(f) "Resident" means an individual receiving home care services from a home care provider or health-related, supportive, or assisted living services from a housing with services establishment. Resident includes a legal representative of a resident.

(g) "Residential care or services provider" or "provider" means a home care provider or housing with services establishment.

Subd. 2. **Electronic monitoring must be permitted.** A residential care or services provider must allow a resident to install or use an electronic monitoring device that may broadcast or record care or services given to the resident by the provider and that occur within the private home, room, or unit of the resident.

Subd. 3. **Resident protections.** (a) A residential care or services provider must not:

(1) refuse to provide care or services to a potential resident, or change the terms of or terminate care or services to a resident, based on the installation or use of an electronic monitoring device as provided for under subdivision 2;

(2) intentionally retaliate or discriminate against a resident based on the installation or use of an electronic monitoring device as provided for under subdivision 2; or

(3) prevent or interfere with the permissible installation or use of an electronic monitoring device by a resident as provided for under subdivision 2.

(b) A residential care or services provider must not require a resident to install or use an electronic monitoring device or otherwise install or use an electronic monitoring device in the private home, room, or unit of the resident without the written consent of the resident.

Subd. 4. **Cost and installation.** (a) A resident who conducts electronic monitoring must do so at the resident's own expense, including paying purchase, installation, maintenance, and removal costs.

(b) If a resident installs an electronic monitoring device as provided for under subdivision 2 that uses Internet technology for visual or audio monitoring, the resident is responsible for contracting with an Internet service provider. A housing with services establishment must make a reasonable attempt to accommodate the resident's installation needs, including allowing access to the establishment's telecommunications or equipment room. An establishment has the burden of proving that a requested accommodation is not reasonable. An establishment must not charge the resident a fee for the cost of electricity used by an electronic monitoring device. Electronic monitoring device installations and supporting services in a housing with services establishment must comply with the requirements of the National Fire Protection Association (NFPA) 101 Life Safety Code (2015 edition).

Subd. 5. **Access to recordings.** A provider may not access any video or audio recording created through electronic monitoring by a resident as provided for under subdivision 2 without the written consent of the resident.

Subd. 6. **Admissibility of evidence.** Subject to applicable rules of evidence and procedure, a video or audio recording created through electronic monitoring may be admitted into evidence in a civil, criminal, or administrative proceeding.

Subd. 7. **Enforcement.** Sections 144.989 to 144.993 apply to this section.

Subd. 8. **Interference with electronic monitoring devices and recordings; crimes.** (a) A person must not knowingly hamper, obstruct, tamper with, or destroy an electronic monitoring device installed by a resident as provided for under subdivision 2 without the permission of the resident.

(b) A person must not knowingly hamper, obstruct, tamper with, or destroy a video or audio recording obtained by a resident from an electronic monitoring device as provided for under subdivision 2 without the permission of the resident.

(c) A person who violates this subdivision is guilty of a misdemeanor. A person who violates this subdivision during the commission of another misdemeanor or gross misdemeanor offense, or to conceal a misdemeanor or gross misdemeanor offense, is guilty of a gross misdemeanor. A person

who violates this subdivision during the commission of, or to conceal, a felony offense, is guilty of a felony.

(d) It is not a violation of this subdivision if a person turns off an electronic monitoring device or blocks the visual recording component of an electronic monitoring device at the direction of the resident."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Benson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 2603 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Abeler	Dziedzic	Ingebrigtsen	Newman	Senjem
Anderson	Eaton	Jensen	Nienow	Sheran
Benson	Eken	Johnson	Ortman	Sieben
Bonoff	Fischbach	Kent	Osmek	Skoe
Brown	Franzen	Kiffmeyer	Pederson	Sparks
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	Miller	Scalze	Wiklund
Dibble	Housley	Nelson	Schmit	

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

SPECIAL ORDER

H.F. No. 2478: A bill for an act relating to workers' compensation; adopting recommendations of the Workers' Compensation Advisory Council; amending Minnesota Statutes 2014, sections 176.011, subdivision 7a; 176.081, subdivisions 1, 3; 176.137, subdivisions 1, 4, by adding a subdivision; 176.331; 176.361, subdivisions 1, 2, 3, 4, 5, 6, by adding a subdivision; 176.471, subdivisions 3, 5; 176.511, subdivisions 2, 3; 176.571, subdivision 1; Minnesota Statutes 2015 Supplement, sections 176.135, subdivision 7a; 176.136, subdivision 1b.

Senator Sparks moved that the amendment made to H.F. No. 2478 by the Committee on Rules and Administration in the report adopted April 26, 2016, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2478 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3931: A bill for an act relating to state government; appropriating money for certain agriculture-related purposes; modifying various agriculture-related provisions; making clarifying, technical, and policy changes; providing a tractor rollover pilot grant program; establishing an agricultural emergency account; appropriating money for environment and natural resources; modifying prior appropriations; modifying provisions to harvest wild rice; establishing requirements for marine carbon monoxide detection devices; modifying terms of certain committees, funds, and accounts; providing for prescribed burns; modifying provisions for certain land sales and exchanges; creating Aggregate Resources Task Force; providing appointments; providing for certain water level control permit; appropriating money for jobs, economic development, and energy affordability; appropriating money to the Departments of Employment and Economic Development, Labor and Industry, and Commerce, the Housing Finance Agency, Public Utilities Commission, Public Facilities Authority, Explore Minnesota Tourism, Bureau of Mediation Services, and Public Employment Relations Board; making policy changes to jobs and economic development, labor and industry, housing, workers' compensation, unemployment insurance, telephone regulation, broadband development, and energy; requiring reports; amending Minnesota Statutes 2014, sections 3.736, subdivision 4; 17.117, subdivisions 4, 11a; 17.4982, subdivision 18a; 18B.26, subdivision 3; 41A.12, subdivision 2; 84.027, subdivision 13; 84.089, subdivision 3; 84.091, subdivision 2; 84D.01, subdivision 2; 84D.05, subdivision 1; 84D.09, subdivision 2; 84D.10, subdivision 4; 84D.108, by adding a subdivision; 84D.13, subdivision 4; 86B.005, by adding subdivisions; 88.01, by adding a subdivision; 88.22, subdivision 1; 93.0015, subdivision 3; 93.2236; 94.3495, subdivisions 2, 3, 7; 97A.075, subdivisions 1, 7; 115C.09, subdivisions 1, 3; 116C.779, subdivision 1, by adding a subdivision; 116J.395, subdivisions 4, 6, 7, by adding subdivisions; 116J.548, subdivisions 2, 3; 116J.8737, subdivision 3; 116J.8747, subdivisions 1, 2; 116M.15, subdivision 1; 176.011, subdivision 7a; 176.081, subdivisions 1, 3; 176.137, subdivisions 1, 4, by adding a subdivision; 176.331; 176.361, subdivisions 1, 2, 3, 4, 5, 6, by adding a subdivision; 176.471, subdivisions 3, 5; 176.511, subdivisions 2, 3; 176.571, subdivision 1; 182.653, subdivision 9; 216A.03, subdivision 1, by adding a subdivision; 216B.1641; 216B.241, subdivisions 1, 1a, 1c; 216B.243, subdivision 8; 216C.20, subdivision 3; 216E.03, subdivision 5; 216H.01, by adding a subdivision; 216H.03, subdivision 1; 222.37, subdivision 1; 237.01, by adding subdivisions; 237.012, subdivisions 1, 2; 268.035, subdivisions 12, 20, 23a, 29, by adding subdivisions; 268.051, subdivision 5; 268.085, subdivisions 4, 5; 268.0865, subdivisions 3, 4; 268.095, subdivisions 1, 2, 5; 268.101, subdivision 2; 268.18; 268.182, subdivision 2; 383B.142; 462A.204, subdivisions 1, 3; Minnesota Statutes 2015 Supplement, sections 16A.967, subdivisions 2, 7; 41A.14; 41A.15, subdivisions 2, 10, by adding subdivisions; 41A.16, subdivision 1; 41A.17,

subdivisions 1, 2; 41A.18, subdivision 1; 84.027, subdivision 13a; 84D.11, subdivision 1; 84D.13, subdivision 5; 116D.04, subdivision 2a; 116J.394; 176.135, subdivision 7a; 176.136, subdivision 1b; 268.07, subdivision 3b; 268.085, subdivision 2; Laws 2001, chapter 130, section 3; Laws 2015, First Special Session chapter 1, article 1, sections 2, subdivision 3; 3, subdivision 3; 8, subdivision 8; Laws 2015, First Special Session chapter 4, article 1, sections 2, subdivisions 2, 4; 5; article 3, section 3, subdivision 2; article 4, section 131; proposing coding for new law in Minnesota Statutes, chapters 17; 84D; 86B; 116J; 216E; 237; 383B; repealing Minnesota Statutes 2014, sections 116P.13; 116U.26; 179A.50; 179A.51; 179A.52; 179A.53.

Senator Skoe moved to amend H.F. No. 3931, the unofficial engrossment, as follows:

Page 5, line 24, after "347" insert ", or referral to a certified financial planner, registered investment adviser, licensed insurance producer or agent, or a registered securities broker-dealer representative for private sector retirement options"

Page 23, delete lines 11 and 12 and insert:

"(e) "Adjusted gross income" means federal adjusted gross income as defined in section 62 of the Internal Revenue Code."

Page 94, line 2, delete "0.1" and insert "0.01"

The motion prevailed. So the amendment was adopted.

Senator Osmek moved to amend H.F. No. 3931, the unofficial engrossment, as follows:

Page 55, after line 6, insert:

"Sec. 6. CITY OF WAYZATA; TAX INCREMENT FINANCING.

The requirements of Minnesota Statutes, section 469.1763, subdivision 3, that activities must be undertaken within a five-year period from the date of certification of a tax increment financing district, are considered to be met for Tax Increment Financing District 3 (Widsten) in the city of Wayzata if the revenues derived from tax increments from the district are expended for any project contemplated by the original tax increment financing plan for the district, including, without limitation, a municipal parking ramp within the district.

EFFECTIVE DATE. This section is effective upon compliance by the chief clerical officer of the governing body of the city of Wayzata with the requirements of Minnesota Statutes, section 645.021, subdivisions 2 and 3."

CALL OF THE SENATE

Senator Skoe imposed a call of the Senate for the balance of the proceedings on H.F. No. 3931. The Sergeant at Arms was instructed to bring in the absent members.

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

Senator Dahms moved to amend H.F. No. 3931, the unofficial engrossment, as follows:

Page 31, after line 4, insert:

"Section 1. [239.7511] GAS TAX SIGN ON PETROLEUM DISPENSER.

(a) The director must ensure that signs, in 12-point font or greater, are affixed on retail petroleum dispensers as follows:

(1) for regular or premium gasoline, a sign that reads: "The price for each gallon of gasoline includes the current state and federal gasoline taxes totaling 46.9 cents per gallon."; and

(2) for diesel fuel, a sign that reads: "The price for each gallon of diesel fuel includes the current state and federal gasoline taxes totaling 52.9 cents per gallon."

(b) The director must distribute the signs described in this section to the owner or operator of the retail petroleum dispensers. To the extent possible, the director must coordinate the distribution of signs with other duties the director may have involving the retail petroleum dispensers.

(c) If the amount of the gasoline tax described in paragraph (a), clauses (1) and (2) changes, the director must, within 12 calendar months of the change, distribute revised signs to reflect the current gasoline tax amounts."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Dibble questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Dahms appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the decision of the President was sustained.

Senator Thompson moved to amend H.F. No. 3931, the unofficial engrossment, as follows:

Page 35, line 30, delete everything after "for"

Page 35, line 31, delete "and" and delete everything after "marketplace" and insert "seller"

Page 35, line 32, delete everything before "shall"

Page 35, line 34, delete everything after "(b)"

Page 35, delete line 35

Page 36, delete lines 1 to 5

Page 36, line 6, delete everything before "Nothing"

Page 36, line 8, before the period, insert ", provided that the marketplace seller notifies the commissioner in writing that the marketplace seller and marketplace provider have entered into an agreement whereby the marketplace provider will fulfill the requirements of this chapter"

Page 36, line 9, delete "(d)" and insert "(c)" and delete "provider" and insert "seller"

Page 36, line 10, delete "provider" and insert "seller"

Page 36, line 12, delete "provider" and insert "seller" and delete "seller." and insert "provider."

Senator Ortman moved to amend the Thompson amendment to H.F. No. 3931 as follows:

Page 1, after line 2, insert:

"Page 31, after line 4, insert:

"Section 1. Minnesota Statutes 2014, section 297A.62, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Except as otherwise provided in subdivision 3 or in this chapter, a sales tax of ~~6-5~~ 6.25 percent is imposed on the gross receipts from retail sales as defined in section 297A.61, subdivision 4, made in this state or to a destination in this state by a person who is required to have or voluntarily obtains a permit under section 297A.83, subdivision 1.

EFFECTIVE DATE. This section is effective upon enactment of the provisions of sections 2 to 6 of this article."

Page 1, after line 18, insert:

"Renumber the sections in sequence and correct the internal references

Amend the title accordingly"

The question was taken on the adoption of the Ortman amendment to the Thompson amendment.

The roll was called, and there were yeas 26 and nays 39, as follows:

Those who voted in the affirmative were:

Abeler	Fischbach	Limmer	Pederson	Weber
Anderson	Gazelka	Miller	Pratt	Westrom
Benson	Hann	Newman	Rosen	
Brown	Housley	Nienow	Ruud	
Chamberlain	Ingebrigtsen	Ortman	Senjem	
Dahms	Kiffmeyer	Osmek	Thompson	

Those who voted in the negative were:

Bakk	Champion	Dahle	Eaton	Goodwin
Bonoff	Clausen	Dibble	Eken	Hawj
Carlson	Cohen	Dziedzic	Franzen	Hayden

Hoffman	Latz	Reinert	Sheran	Tomassoni
Jensen	Lourey	Rest	Sieben	Torres Ray
Johnson	Marty	Saxhaug	Skoe	Wiger
Kent	Metzen	Scalze	Sparks	Wiklund
Koenen	Pappas	Schmit	Stumpf	

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

The question recurred on the adoption of the Thompson amendment.

The roll was called, and there were yeas 27 and nays 38, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Abeler moved to amend H.F. No. 3931, the unofficial engrossment, as follows:

Page 39, after line 32, insert:

"Sec. 12. Minnesota Statutes 2014, section 297A.815, subdivision 3, is amended to read:

Subd. 3. **Motor vehicle lease sales tax revenue.** (a) For purposes of this subdivision, "net revenue" means an amount equal to the revenues, including interest and penalties, collected under this section, during the fiscal year; less \$32,000,000 in each fiscal year.

(b) On or before June 30 of each fiscal year, the commissioner of revenue shall estimate the amount of the net revenue for the current fiscal year.

(c) On or after July 1 of the subsequent fiscal year, the commissioner of management and budget shall transfer the net revenue as estimated in paragraph (b) from the general fund, as follows:

(1) \$9,000,000 annually until January 1, 2015, and 50 percent annually thereafter to the county state-aid highway fund. Notwithstanding any other law to the contrary, the commissioner of transportation shall allocate the funds transferred under this clause to the counties in the metropolitan area, as defined in section 473.121, subdivision 4, excluding the counties of Hennepin and Ramsey, so that each county shall receive of such amount the percentage that its population, as defined in section 477A.011, subdivision 3, estimated or established by July 15 of the year prior to the current calendar year, bears to the total population of the counties receiving funds under this clause; and

(2) the remainder to the greater Minnesota transit account.

(d) A law amending the distribution of net revenue under paragraph (c) must be adopted by the vote of at least three-fifths of the members of each body of the legislature.

Sec. 13. Minnesota Statutes 2014, section 297A.992, subdivision 2, is amended to read:

Subd. 2. **Authorization; rates.** (a) Notwithstanding section 297A.99, subdivisions 1, 2, and 3, or 477A.016, or any other law, the board of a county participating in a joint powers agreement as specified in this section shall impose by resolution (1) a transportation sales and use tax at a rate of one-quarter of one percent on retail sales and uses taxable under this chapter, and (2) an excise tax of \$20 per motor vehicle, as defined in section 297B.01, subdivision 11, purchased or acquired from any person engaged in the business of selling motor vehicles at retail, occurring within the jurisdiction of the taxing authority. The taxes authorized are to fund transportation improvements as specified in this section, including debt service on obligations issued to finance such improvements pursuant to subdivision 7. Notwithstanding subdivision 6a, a law amending the use or distribution of tax revenues authorized in this subdivision must be adopted by the vote of at least three-fifths of the members of each body of the legislature.

(b) The tax imposed under this section is not included in determining if the total tax on lodging in the city of Minneapolis exceeds the maximum allowed tax under Laws 1986, chapter 396, section 5, as amended by Laws 2001, First Special Session chapter 5, article 12, section 87, or in determining a tax that may be imposed under any other limitations."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Skoe questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 3931 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 37 and nays 30, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Dahms	Ingebrigtsen	Newman	Rosen
Anderson	Fischbach	Jensen	Nienow	Ruud
Benson	Gazelka	Kiffmeyer	Ortman	Senjem
Bonoff	Hall	Limmer	Osmek	Thompson
Brown	Hann	Miller	Pederson	Weber
Chamberlain	Housley	Nelson	Pratt	Westrom

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 Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

REPORTS OF COMMITTEES

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

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

S.F. No. 3589: A bill for an act relating to transportation; authorizing and governing implementation of requirements of the federal REAL ID Act; amending certain requirements governing driver's licenses and Minnesota identification cards; requiring rulemaking to implement a two-tier license system; amending Minnesota Statutes 2014, sections 97A.405, subdivision 2; 171.01, subdivision 37, by adding a subdivision; 171.017; 171.06, subdivision 3; 171.07, subdivisions 1, 4, 6, 7, 15, by adding subdivisions; 171.071, subdivision 3; 171.072; 171.12, subdivision 7; 171.27; repealing Laws 2009, chapter 92, section 1, as amended.

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

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

S.F. No. 2568: A bill for an act relating to orders for protection; eliminating respondent filing fee requirements; amending Minnesota Statutes 2014, section 518B.01, subdivision 3a.

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

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

S.F. No. 3481: A bill for an act relating to criminal justice; modifying the thresholds for certain controlled substance crimes; creating new offenses specific to the possession of marijuana plants; creating a new offense for possessing trace amounts of certain controlled substances; eliminating mandatory minimum sentences for lower level controlled substance crimes; appropriating money; amending Minnesota Statutes 2014, sections 152.01, subdivision 16a; 152.021; 152.022; 152.023; 152.024; 152.025; 152.026; 152.092; 152.18, subdivision 1; 388.051; proposing coding for new law in Minnesota Statutes, chapter 241.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2014, section 152.01, subdivision 16a, is amended to read:

Subd. 16a. **Subsequent controlled substance conviction.** ~~Notwithstanding section 152.18, subdivision 1,~~ A "subsequent controlled substance conviction" means that before commission of the offense for which the person is convicted under this chapter, the person ~~received a disposition for a felony-level offense under section 152.18, subdivision 1, was convicted in Minnesota of a felony violation of this chapter or a felony-level attempt or conspiracy to violate this chapter~~ was convicted of a violation of section 152.021 or 152.022, including an attempt or conspiracy, or was convicted elsewhere for conduct that would have been a felony under this chapter if committed in

~~Minnesota. An earlier disposition for a felony-level offense under section 152.18, subdivision 1, or an earlier conviction is not relevant if of a similar offense by the United States or another state, provided that ten years have not elapsed since discharge from sentence or stay of adjudication.~~

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2014, section 152.01, is amended by adding a subdivision to read:

Subd. 24. **Aggravating factor.** Each of the following is an "aggravating factor":

(1) the defendant, within the previous ten years, has been convicted of a violent crime, as defined in section 609.1095, subdivision 1, paragraph (d), other than a violation of a provision under this chapter, including an attempt or conspiracy, or was convicted of a similar offense by the United States or another state;

(2) the offense was committed for the benefit of a gang under section 609.229;

(3) the offense involved separate acts of sale or possession of a controlled substance in three or more counties;

(4) the offense involved the transfer of controlled substances across a state or international border and into Minnesota;

(5) the offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to sell or transfer;

(6) the circumstances of the offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(7) the defendant used a position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationships;

(8) the offense involved the sale of a controlled substance to a person under the age of 18 or a vulnerable adult as defined in section 609.232, subdivision 11;

(9) the defendant or an accomplice manufactured, possessed, or sold a controlled substance in a school zone, park zone, correctional facility, or drug treatment facility; or

(10) the defendant or an accomplice possessed equipment, drug paraphernalia, documents, or money evidencing that the offense involved the cultivation, manufacture, distribution, or possession of controlled substances in quantities substantially larger than the minimum threshold amount for the offense.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2014, section 152.021, is amended to read:

152.021 CONTROLLED SUBSTANCE CRIME IN THE FIRST DEGREE.

Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ~~ten~~ 17 grams or more containing cocaine, ~~heroin~~, or methamphetamine;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves two aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing heroin;

~~(2)~~ (4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

~~(3)~~ (5) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or more dosage units; or

~~(4)~~ (6) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ~~50~~ 25 kilograms or more containing marijuana or Tetrahydrocannabinols, ~~or one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols in a school zone, a park zone, a public housing zone, or a drug treatment facility.~~

Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in the first degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of ~~25~~ 50 grams or more containing cocaine, ~~heroin~~, or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves two aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing heroin;

~~(2)~~ (4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

~~(3)~~ (5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 500 or more dosage units; or

~~(4)~~ (6) the person unlawfully possesses one or more mixtures of a total weight of ~~100~~ 50 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or more marijuana plants.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

Subd. 2a. **Methamphetamine manufacture crime.** (a) Notwithstanding subdivision 1, sections 152.022, subdivision 1, 152.023, subdivision 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the first degree if the person manufactures any amount of methamphetamine.

(b) [Renumbered 152.0262, subdivision 1]

Subd. 2b. **Aggravated controlled substance crime in the first degree.** A person is guilty of aggravated controlled substance crime in the first degree if the person violates subdivision 1, clause (1), (2), (3), (4), or (5), or subdivision 2, paragraph (a), clause (1), (2), or (3), and the person or an accomplice sells or possesses 100 or more grams or 500 or more dosage units of a mixture containing the controlled substance at issue and:

(1) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(2) the offense involves two aggravating factors.

Subd. 3. **Penalty.** (a) A person convicted under subdivisions 1 to 2a, paragraph (a), may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivisions 1 to 2a, paragraph (a), shall be committed to the commissioner of corrections for not less than four years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$1,000,000.

(c) If the defendant is convicted under subdivision 1, clause (1), (2), (3), (4), or (5), or subdivision 2, paragraph (a), clause (1), (2), or (3), and the defendant or an accomplice sold or possessed 100 or more grams or 500 or more dosage units of a mixture containing the controlled substance at issue, that person shall be committed to the commissioner of corrections for not less than 65 months or the presumptive fixed sentence under the Minnesota Sentencing Guidelines, whichever is greater, nor more than 40 years and may be sentenced to payment of a fine of not more than \$1,000,000, or both. If a person to be sentenced under this paragraph has not previously been convicted of an offense under section 152.021, 152.022, or 152.023, or of a similar offense by the United States or another state, the prosecutor may, prior to the time of sentencing, file a motion to have the person sentenced without regard to the mandatory minimum sentence established by this paragraph. The motion shall be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to this mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing a person without regard to the mandatory minimum under this paragraph is a departure from the Sentencing Guidelines.

(d) A person convicted under subdivision 2b shall be committed to the commissioner of corrections for not less than 86 months or the presumptive fixed sentence under the Minnesota Sentencing Guidelines, whichever is greater, nor more than 40 years and may be sentenced to payment of a fine of not more than \$1,000,000, or both.

(e) In a prosecution under ~~subdivision~~ subdivisions 1 to 2b involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2014, section 152.022, is amended to read:

152.022 CONTROLLED SUBSTANCE CRIME IN THE SECOND DEGREE.

Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the second degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ~~three ten~~ three ten grams or more containing ~~cocaine, a narcotic drug other than heroin, or methamphetamine;~~

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves three aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ~~ten three~~ ten three grams or more containing ~~a narcotic drug other than cocaine, heroin, or methamphetamine;~~

~~(3)~~ (4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or more dosage units;

~~(4)~~ (5) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ~~25~~ ten kilograms or more containing marijuana or Tetrahydrocannabinols;

~~(5)~~ (6) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully sell the substance; or

~~(6)~~ (7) the person unlawfully sells any of the following in a school zone, a park zone, a public housing zone, or a drug treatment facility:

(i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

(ii) one or more mixtures containing methamphetamine or amphetamine; or

(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana or Tetrahydrocannabinols.

Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the second degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of ~~six~~ 25 grams or more containing cocaine, ~~heroin~~, or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves three aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of six grams or more containing heroin;

~~(2)~~ (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

~~(3)~~ (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or

~~(4)~~ (6) the person unlawfully possesses one or more mixtures of a total weight of ~~50~~ 25 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or more marijuana plants.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$500,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections for not less than three years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$500,000.

(c) In a prosecution under subdivision 1 involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2014, section 152.023, is amended to read:

152.023 CONTROLLED SUBSTANCE CRIME IN THE THIRD DEGREE.

Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the third degree if:

- (1) the person unlawfully sells one or more mixtures containing a narcotic drug;
- (2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units;
- (3) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule I, II, or III, except a Schedule I or II narcotic drug, to a person under the age of 18;
- (4) the person conspires with or employs a person under the age of 18 to unlawfully sell one or more mixtures containing a controlled substance listed in Schedule I, II, or III, except a Schedule I or II narcotic drug; or
- (5) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of five kilograms or more containing marijuana or Tetrahydrocannabinols.

Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the third degree if:

- (1) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ~~three ten~~ ten three grams or more containing ~~cocaine, a narcotic drug other than heroin, or methamphetamine;~~
 - (2) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ~~ten three~~ ten three grams or more containing ~~a narcotic drug other than cocaine, heroin, or methamphetamine;~~
 - (3) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units;
 - (4) on one or more occasions within a 90-day period the person unlawfully possesses any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility;
 - (5) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols; or
 - (6) the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.
- (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$250,000, or both.

~~(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections for not less than two years nor more than 30 years and, in addition, may be sentenced to payment of a fine of not more than \$250,000.~~

~~(c)~~ (b) In a prosecution under subdivision 1 or 2 involving sales or acts of possession by the same person in two or more counties within a 90-day period, the person may be prosecuted in any county in which one of the sales or acts of possession occurred.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2014, section 152.024, is amended to read:

152.024 CONTROLLED SUBSTANCE CRIME IN THE FOURTH DEGREE.

Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the fourth degree if:

(1) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols;

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV or V to a person under the age of 18;

(3) the person conspires with or employs a person under the age of 18 to unlawfully sell a controlled substance classified in Schedule IV or V; or

(4) the person unlawfully sells any amount of marijuana or Tetrahydrocannabinols in a school zone, a park zone, a public housing zone, or a drug treatment facility, except a small amount for no remuneration.

Subd. 2. **Possession crimes.** A person is guilty of controlled substance crime in the fourth degree if:

(1) the person unlawfully possesses one or more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units; or

(2) the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols, with the intent to sell it.

Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$100,000, or both.

~~(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections or to a local correctional authority for not less than one year nor more than 30 years and, in addition, may be sentenced to payment of a fine of not more than \$100,000.~~

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2014, section 152.025, is amended to read:

152.025 CONTROLLED SUBSTANCE CRIME IN THE FIFTH DEGREE.

Subdivision 1. **Sale crimes.** (a) A person is guilty of a controlled substance crime in the fifth degree and ~~if convicted upon conviction~~ may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both as provided in subdivision 3 if:

(1) the person unlawfully sells one or more mixtures containing marijuana or tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV.

~~(b) Except as provided in paragraph (c), if a person is guilty of a controlled substance crime in the fifth degree and the conviction is a subsequent controlled substance conviction, the person convicted shall be committed to the commissioner of corrections or to a local correctional authority for not less than six months nor more than ten years and, in addition, may be sentenced to payment of a fine of not more than \$20,000 if:~~

~~(1) the person unlawfully sells one or more mixtures containing marijuana or tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or~~

~~(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV.~~

~~(c) Prior to the time of sentencing, the prosecutor may file a motion to have the person sentenced without regard to the mandatory minimum sentence established by paragraph (b). The motion must be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to the mandatory minimum sentence if the court finds, on the record, substantial and compelling reasons to do so.~~

Subd. 2. **Possession and other crimes.** (a) A person is guilty of controlled substance crime in the fifth degree and ~~if convicted upon conviction~~ may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both as provided in subdivision 3 if:

(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except a small amount of marijuana; or

(2) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) using a false name or giving false credit; or

(iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

~~(b) Except as provided in paragraph (c), if a person is guilty of a controlled substance crime in the fifth degree and the conviction is a subsequent controlled substance conviction, the person convicted shall be committed to the commissioner of corrections or to a local correctional authority for not less than six months nor more than ten years and, in addition, may be sentenced to payment of a fine of not more than \$20,000 if:~~

~~(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, H, III, or IV, except a small amount of marijuana; or~~

~~(2) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:~~

~~(i) fraud, deceit, misrepresentation, or subterfuge;~~

~~(ii) using a false name or giving false credit; or~~

~~(iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.~~

~~(c) Prior to the time of sentencing, the prosecutor may file a motion to have the person sentenced without regard to the mandatory minimum sentence established by paragraph (b). The motion must be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to the mandatory minimum sentence if the court finds, on the record, substantial and compelling reasons to do so.~~

Subd. 3. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause (1), who has not been previously convicted of a violation of this chapter or a similar offense in another jurisdiction, is guilty of a gross misdemeanor if: (1) the amount of the controlled substance possessed, other than heroin, is less than 0.25 grams or one dosage unit or less if the controlled substance was possessed in dosage units; or (2) the controlled substance possessed is heroin and the amount possessed is less than 0.05 grams.

(b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1), unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2014, section 152.026, is amended to read:

152.026 MANDATORY SENTENCES.

A defendant convicted and sentenced to a mandatory sentence under ~~sections~~ section 152.021 to 152.025 and 152.026 or 152.022 is not eligible for probation, parole, discharge, or supervised release until that person has served the full term of imprisonment as provided by law, notwithstanding sections 242.19, 243.05, 609.12, and 609.135. "Term of imprisonment" has the meaning given in section 244.01, subdivision 8.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2014, section 152.092, is amended to read:

152.092 POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.

(a) It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia. Any violation of this section is a petty misdemeanor.

(b) A person who violates paragraph (a) and has previously violated paragraph (a) on two or more occasions has committed a crime and may be sentenced to imprisonment for up to 90 days or to payment of a fine up to \$1,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2014, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** Of (a) A court may defer prosecution as provided in paragraph (c) for any person found guilty, after trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d), for possession of a controlled substance, who:

(1) has not previously participated in or completed a diversion program authorized under section 401.065;

or who (2) has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section is found guilty of a violation of section 152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d), for possession of a controlled substance, after trial or upon a plea of guilty, and the court determines that the violation does not qualify as a subsequent controlled substance conviction under section 152.01, subdivision 16a.; and

(3) has not been convicted of a felony violation of this chapter, including a felony-level attempt or conspiracy, or been convicted by the United States or another state of a similar offense that would have been a felony under this chapter if committed in Minnesota, unless ten years have elapsed since discharge from sentence.

(b) The court must defer prosecution as provided in paragraph (c) for any person found guilty of a violation of section 152.025, subdivision 2, who:

(1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

(2) has not previously been convicted of a felony offense under any state or federal law or of a gross misdemeanor under section 152.025.

(c) In granting relief under this section, the court may shall, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against the person and discharge the person from probation before the expiration

of the maximum period prescribed for the person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau which shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

For purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision 8a.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2014, section 244.0513, subdivision 2, is amended to read:

Subd. 2. **Conditional release of certain nonviolent controlled substance offenders.** An offender who has been committed to the commissioner's custody may petition the commissioner for conditional release from prison before the offender's scheduled supervised release date or target release date if:

(1) the offender is serving a sentence for violating section 152.021, subdivision 2 or 2a; 152.022, subdivision 2; 152.023, subdivision 2; 152.024, ~~subdivision 2~~; or 152.025, ~~subdivision 2~~;

(2) the offender committed the crime as a result of a controlled substance addiction;

(3) the offender has served at least:

(i) 18 months or one-half of the offender's term of imprisonment, whichever is less, if the offense for which the offender is seeking conditional release is a violation of section 152.024 or 152.025; or

(ii) 36 months or one-half of the offender's term of imprisonment, whichever is less, if the offense for which the offender is seeking conditional release is a violation of section 152.021, subdivision 2 or 2a, 152.022, subdivision 2, or 152.023, subdivision 2;

(4) the offender successfully completed a chemical dependency treatment program of the type described in this section while in prison;

(5) the offender has not previously been conditionally released under this section; and

(6) the offender has not within the past ten years been convicted or adjudicated delinquent for a violent crime as defined in section 609.1095 other than the current conviction for the controlled substance offense.

EFFECTIVE DATE. This section is effective August 1, 2016.

Sec. 12. Minnesota Statutes 2014, section 244.0513, subdivision 5, is amended to read:

Subd. 5. **Additional requirements.** To be eligible for release under this section, an offender shall sign a written contract with the commissioner agreeing to comply with the requirements of this section and the conditions imposed by the commissioner. ~~In addition to other items, the contract must specifically refer to the term of imprisonment extension in subdivision 6.~~ In addition, the offender shall agree to submit to random drug and alcohol tests and electronic or home monitoring as determined by the commissioner or the offender's supervising agent. The commissioner may impose additional requirements on the offender that are necessary to carry out the goals of this section.

EFFECTIVE DATE. This section is effective August 1, 2016.

Sec. 13. Minnesota Statutes 2014, section 244.09, subdivision 6, is amended to read:

Subd. 6. **Clearinghouse and information center.** The commission, in addition to establishing Sentencing Guidelines, shall serve as a clearinghouse and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing practices, and shall conduct ongoing research regarding Sentencing Guidelines, use of imprisonment and alternatives to imprisonment, plea bargaining, and other matters relating to the improvement of the criminal justice system. The commission shall from time to time make recommendations to the legislature regarding changes in the Criminal Code, criminal procedures, and other aspects of sentencing.

This information shall include information regarding the impact of statutory changes to the state's criminal laws related to controlled substances, including those changes enacted by the legislature in this act.

EFFECTIVE DATE. This section is effective August 1, 2016.

Sec. 14. **[299A.707] COMMUNITY JUSTICE REINVESTMENT ACCOUNT.**

Subdivision 1. **Account established.** The community justice reinvestment account is established in the special revenue fund.

Subd. 2. **Account purpose, grants.** Money in this account shall be allocated by a grant program administered by the commissioner of public safety through the Office of Justice Programs. Local units of government and nonprofit organizations are eligible for grants to establish or operate chemical dependency and mental health treatment programs, programs that improve supervision, including pretrial and precharge supervision, and programs to reduce recidivism of controlled substances offenders on probation or supervised release or participating in drug courts or to fund local participation in drug court initiatives approved by the Judicial Council.

Subd. 3. **Reporting.** By January 15, in each even-numbered year, the commissioner shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice funding on grants made in the preceding two years from the account.

Subd. 4. **Legislative intent.** It is the legislature's intent that savings to the state realized as a result of the passage of this act be used to fund the transfers from the general fund to this account.

Subd. 5. **Appropriation.** The amounts transferred to the account are appropriated to the commissioner to make grants under subdivision 2.

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

Sec. 15. Minnesota Statutes 2014, section 388.051, is amended to read:

388.051 DUTIES.

Subdivision 1. **General provisions.** The county attorney shall:

- (a) appear in all cases in which the county is a party;
- (b) give opinions and advice, upon the request of the county board or any county officer, upon all matters in which the county is or may be interested, or in relation to the official duties of the board or officer;
- (c) prosecute felonies, including the drawing of indictments found by the grand jury, and, to the extent prescribed by law, gross misdemeanors, misdemeanors, petty misdemeanors, and violations of municipal ordinances, charter provisions and rules or regulations;
- (d) attend before the grand jury, give them legal advice, and examine witnesses in their presence;
- (e) request the court administrator to issue subpoenas to bring witnesses before the grand jury or any judge or judicial officer before whom the county attorney is conducting a criminal hearing;
- (f) attend any inquest at the request of the coroner; and
- (g) appear, when requested by the attorney general, for the state in any case instituted by the attorney general in the county attorney's county or before the United States Land Office in case of application to preempt or locate any public lands claimed by the state and assist in the preparation and trial.

Subd. 2. **Special provisions.** (a) In Anoka, Carver, Dakota, Hennepin, Scott, and Washington Counties, only the county attorney shall prosecute gross misdemeanor violations of sections 289A.63, subdivisions 1, 2, 4, and 6; 297B.10; 609.255, subdivision 3; 609.377; 609.378; 609.41; and 617.247.

(b) In Ramsey County, only the county attorney shall prosecute gross misdemeanor violations of sections 609.255, subdivision 3; 609.377; and 609.378.

(c) The county attorney shall prosecute failure to report physical or sexual child abuse or neglect as provided under section 626.556, subdivision 6, violations of fifth-degree criminal sexual conduct under section 609.3451, and environmental law violations under sections 115.071, 299F.098, and 609.671.

(d) Except in Hennepin and Ramsey Counties, only the county attorney shall prosecute gross misdemeanor violations of section 152.025.

Subd. 3. **Charging and plea negotiation policies and practices; written guidelines required.**

(a) On or before January 1, 1995, each county attorney shall adopt written guidelines governing the county attorney's charging and plea negotiation policies and practices. The guidelines shall address, but need not be limited to, the following matters:

- (1) the circumstances under which plea negotiation agreements are permissible;
- (2) the factors that are considered in making charging decisions and formulating plea agreements; and

(3) the extent to which input from other persons concerned with a prosecution, such as victims and law enforcement officers, is considered in formulating plea agreements.

(b) Plea negotiation policies and procedures adopted under this subdivision are public data, as defined in section 13.02.

Subd. 4. **Firearms exemption.** Notwithstanding section 626.84, subdivision 2, a county attorney, or an assistant county attorney appointed under section 388.10, who lawfully possesses a permit to carry a pistol issued in accordance with section 624.714 may possess and carry a firearm while on duty, unless restricted by the county attorney.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2014, section 609.11, subdivision 5a, is amended to read:

Subd. 5a. **Drug offenses.** Notwithstanding section 609.035, whenever a defendant is subject to a mandatory minimum sentence for a felony violation of chapter 152, other than a violation of section 152.021, subdivision 2b, clause (1), or a violation of chapter 152 sentenced under section 152.021, subdivision 3, paragraph (c), and is also subject to this section, the minimum sentence imposed under this section shall be consecutive to that imposed under chapter 152.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 17. Minnesota Statutes 2014, section 609.11, subdivision 8, is amended to read:

Subd. 8. **Motion by prosecutor.** (a) Except as otherwise provided in paragraph paragraphs (b) and (c), prior to the time of sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentences established by this section. The motion shall be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the defendant without regard to the mandatory minimum sentences established by this section if the court finds substantial and compelling reasons to do so. A sentence imposed under this subdivision is a departure from the Sentencing Guidelines.

(b) The court may not, on its own motion or the prosecutor's motion, sentence a defendant without regard to the mandatory minimum sentences established by this section if the defendant previously has been convicted of an offense listed in subdivision 9 in which the defendant used or possessed a firearm or other dangerous weapon.

(c) The court may not, on its own motion or the prosecutor's motion, sentence a defendant without regard to the mandatory minimum sentences established by subdivision 5, if the defendant was convicted of a crime under section 152.021, subdivision 1, or 152.022, subdivision 1, and the person or an accomplice possessed on their person or within immediate reach, or used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 18. MINNESOTA SENTENCING GUIDELINES COMMISSION; CERTAIN RECOMMENDATIONS ON CONTROLLED SUBSTANCE OFFENSES REJECTED; ADDITIONAL MODIFICATIONS TO GUIDELINES.

(a) The following modifications proposed by the Minnesota Sentencing Guidelines Commission in its January 15, 2016, report to the legislature are rejected and do not go into effect:

(1) the new presumptive sentence for first-degree possession of a controlled substance under Minnesota Statutes, section 152.021, subdivision 2, paragraph (a), described in 2.A. Non-Legislative Modifications to Controlled Substance offenses on pages 14 to 17 of the report;

(2) the severity level D8 found in the new drug offender grid on page 80 of the report and in the criminal history grids found on page 67 of the report;

(3) the presumptive sentences for severity level D7 offenses found in the new drug offender grid on page 80 of the report; and

(4) related changes found in corresponding language in Appendix 2.2.A. on pages 65 to 81 of the report.

(b) The Sentencing Guidelines Commission shall:

(1) modify the new drug offender grid found on page 80 of the report by renumbering D9 as D8 and renumbering D10 as D9;

(2) modify the criminal history grids on page 67 of the report by renumbering D8 as D7 and renumbering D9-D10 as D8-D9;

(3) modify the presumptive sentences for severity level D7 offenses found in the new drug offender grid found on page 80 of the report as follows:

(i) for zero criminal history points, a presumptive stayed sentence of 48 months;

(ii) for one criminal history point, a presumptive stayed sentence of 58 months;

(iii) for two criminal history points, a presumptive executed sentence of 68 months and a range of 58 to 81 months;

(iv) for three criminal history points, a presumptive executed sentence of 78 months and a range of 67 to 93 months;

(v) for four criminal history points, a presumptive executed sentence of 88 months and a range of 75 to 105 months;

(vi) for five criminal history points, a presumptive executed sentence of 98 months and a range of 84 to 117 months; and

(vii) for six criminal history points, a presumptive executed sentence of 108 months and a range of 92 to 129 months;

(4) re-rank first-degree possession of a controlled substance under Minnesota Statutes, section 152.021, subdivision 2, paragraph (a), at the renumbered severity level D8;

(5) rank the new offense of aggravated controlled substance crime in the first degree under Minnesota Statutes, section 152.021, subdivision 2b, at the renumbered severity level D9; and

(6) make changes in Appendix 2.2.A. consistent with this section.

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

Sec. 19. TRANSFER; COMMUNITY JUSTICE REINVESTMENT ACCOUNT.

In fiscal year 2017, the commissioner of management and budget shall transfer \$488,000 from the general fund to the community justice reinvestment account in the special revenue fund. The base for this transfer is \$461,000 in each of fiscal years 2018 and 2019, and thereafter.

Sec. 20. APPROPRIATIONS.

(a) \$325,000 in fiscal year 2017 is appropriated from the general fund to the commissioner of public safety for two forensic scientists, equipment, and supplies to implement this act. Of this amount, \$40,000 is a onetime appropriation for lab equipment.

(b) \$750,000 in fiscal year 2017 is appropriated from the general fund to the commissioner of corrections for 70 new chemical dependency/mental health beds.

(c) \$250,000 in fiscal year 2017 is appropriated from the general fund to the commissioner of corrections for two chemical dependency release planners, one at MCF-Stillwater and the other at MCF-Shakopee.

(d) \$37,000 in fiscal year 2017 is appropriated from the general fund to the Minnesota Sentencing Guidelines Commission to implement this act.

Sec. 21. REDUCTIONS TO PREVIOUS APPROPRIATIONS.

The appropriations made in article 9 of the first unofficial engrossment to House File No. 2749, passed by the senate on April 28, 2016, are reduced as follows:

(1) for the 70 new chemical dependency/mental health beds in section 6, subdivision 2, paragraph (g), the appropriation for fiscal year 2017 is reduced to \$0;

(2) for the chemical dependency release planner at MCF-Shakopee in section 6, subdivision 2, paragraph (h), the appropriation for fiscal year 2017 is reduced to \$0;

(3) for the chemical dependency release planner at MCF-Stillwater in section 6, subdivision 2, paragraph (i), the appropriation for fiscal year 2017 is reduced to \$0;

(4) for the information technology upgrades and staffing in section 6, subdivision 4, paragraph (b), the base for this activity is \$0 in each of fiscal years 2018 and 2019, and thereafter; and

(5) for the safe and secure courthouse grant program in section 2, the appropriation for fiscal year 2017 is reduced by \$850,000.

Sec. 22. REPEALER.

Minnesota Statutes 2014, section 244.0513, subdivision 6, is repealed.

EFFECTIVE DATE. This section is effective August 1, 2016."

Delete the title and insert:

"A bill for an act relating to criminal justice; modifying the thresholds for certain controlled substance crimes; creating new offenses specific to the possession of marijuana plants; creating a

new offense for possessing trace amounts of certain controlled substances; eliminating mandatory minimum sentences for lower level controlled substance crimes; establishing a new account in the state treasury; appropriating money while reducing other appropriations; amending Minnesota Statutes 2014, sections 152.01, subdivision 16a, by adding a subdivision; 152.021; 152.022; 152.023; 152.024; 152.025; 152.026; 152.092; 152.18, subdivision 1; 244.0513, subdivisions 2, 5; 244.09, subdivision 6; 388.051; 609.11, subdivisions 5a, 8; proposing coding for new law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 2014, section 244.0513, subdivision 6."

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

Senator Cohen from the Committee on Finance, to which was referred

H.F. No. 3328: A bill for an act relating to claims against the state; providing for payment of awards under the Imprisonment and Exoneration Remedies Act; providing for payment of injury and medical claims against the Department of Corrections; appropriating money; providing for claims for loss, damage, or destruction of property of patients or inmates of a state institution; establishing a claim limit of \$7,000 for settlement by the commissioners of human services, veterans affairs, or corrections for property claims made by patients or inmates and medical claims made by conditionally released offenders; increasing claims filing fee; amending Minnesota Statutes 2014, sections 3.736, subdivision 3; 3.739, subdivision 2; 3.749; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

IMPRISONMENT AND EXONERATION REMEDIES ACT

Section 1. Minnesota Statutes 2014, section 611.367, is amended to read:

611.367 COMPENSATING EXONERATED PERSONS; APPROPRIATIONS PROCESS.

The compensation panel established in section 611.363 shall forward ~~a final~~ an award of damages under section 611.365 to the commissioner of management and budget. The commissioner shall submit the amount of the ~~final~~ award to the legislature for consideration as an appropriation during the next session of the legislature.

Sec. 2. **EXONERATION AWARDS.**

The amounts in this section are appropriated in fiscal year 2017 from the general fund to the commissioner of management and budget for full payment of awards of damages under the Imprisonment and Exoneration Remedies Act, Minnesota Statutes, sections 611.362 to 611.368. This appropriation is available until June 30, 2017, for payment to:

(1) Michael Ray Hansen, \$916,828.76;

(2) Koua Fong Lee, \$395,148.13; and

(3) Roger Lee Olsen, \$475,000.

ARTICLE 2**INJURY AND MEDICAL CLAIMS****Section 1. DEPARTMENT OF CORRECTIONS.**

The amounts in this section are appropriated from the general fund to the commissioner of corrections in fiscal year 2017 for full and final payment under Minnesota Statutes, sections 3.738 and 3.739, of claims against the state for losses suffered while incarcerated in a state correctional facility or for injuries suffered by and medical services provided to persons injured while performing community service or sentence-to-service work for correctional purposes or while incarcerated in a state correctional facility. This appropriation is available until June 30, 2017:

(1) for sentence-to-service and community work service claims under \$500 and other claims already paid by the department, \$608.79;

(2) for payment to Laron Brown for permanent injuries to his left middle finger sustained while performing assigned duties at Minnesota Correctional Facility - Faribault, \$2,250;

(3) for payment to medical providers for treatment of Aleksander Cedarblade for injuries sustained while performing sentence-to-service work in Isanti County, \$2,398.28;

(4) for payment to medical providers for treatment of Nathan Eckstein for injuries sustained while performing sentence-to-service work in Brown County, \$1,083.58; and

(5) for payment to Michael Merrill for permanent injuries to his neck sustained while performing assigned duties at Minnesota Correctional Facility - Stillwater, \$4,800.

ARTICLE 3**CLAIMS PROCEDURES AND LIMITS**

Section 1. Minnesota Statutes 2014, section 3.736, subdivision 3, is amended to read:

Subd. 3. **Exclusions.** Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

(a) a loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule;

(b) a loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) a loss in connection with the assessment and collection of taxes;

(d) a loss caused by snow or ice conditions on a highway or public sidewalk that does not abut a publicly owned building or a publicly owned parking lot, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) a loss caused by wild animals in their natural state, except as provided in section 3.7371;

(f) a loss other than injury to or loss of property or personal injury or death;

(g) a loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, state land that contains idled or abandoned mine pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither affixed nor improved;

(h) a loss involving or arising out of the use or operation of a recreational motor vehicle, as defined in section 84.90, subdivision 1, within the right-of-way of a trunk highway, as defined in section 160.02, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;

(i) a loss incurred by a user arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or for a loss arising from the construction, operation, maintenance, or administration of grants-in-aid trails as defined in section 85.018, or for a loss arising from the construction, operation, or maintenance of a water access site created by the Iron Range Resources and Rehabilitation Board, except that the state is liable for conduct that would entitle a trespasser to damages against a private person. For the purposes of this clause, a water access site, as defined in section 86A.04 or created by the Iron Range Resources and Rehabilitation Board, that provides access to an idled, water filled mine pit, also includes the entire water filled area of the pit and, further, includes losses caused by the caving or slumping of the mine pit walls;

(j) a loss of benefits or compensation due under a program of public assistance or public welfare, except if state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

(k) a loss based on the failure of a person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

(l) a loss based on the usual care and treatment, or lack of care and treatment, of a person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

(m) loss, damage, or destruction of property of a patient or inmate of a state institution except as provided under section 3.7381;

(n) a loss for which recovery is prohibited by section 169A.48, subdivision 2;

(o) a loss caused by an aeration, bubbler, water circulation, or similar system used to increase dissolved oxygen or maintain open water on the ice of public waters, that is operated under a permit issued by the commissioner of natural resources;

(p) a loss incurred by a visitor to the Minnesota Zoological Garden, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;

(q) a loss arising out of a person's use of a logging road on public land that is maintained exclusively to provide access to timber on that land by harvesters of the timber, and is not signed or otherwise held out to the public as a public highway; and

(r) a loss incurred by a user of property owned, leased, or otherwise controlled by the Minnesota National Guard or the Department of Military Affairs, except that the state is liable for conduct that would entitle a trespasser to damages against a private person.

The state will not pay punitive damages.

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

Sec. 2. **[3.7381] LOSS, DAMAGE, OR DESTRUCTION OF PROPERTY; STATE INSTITUTIONS; CORRECTIONAL FACILITIES.**

(a) The commissioners of human services, veterans affairs, or corrections, as appropriate, shall determine, adjust, and settle, at any time, claims and demands of \$7,000 or less arising from negligent loss, damage, or destruction of property of a patient of a state institution under the control of the commissioner of human services or the commissioner of veterans affairs or an inmate of a state correctional facility.

(b) A claim of more than \$7,000, or a claim that was not paid by the appropriate department may be presented to, heard, and determined by the appropriate committees of the senate and the house of representatives and, if approved, shall be paid pursuant to legislative claims procedure.

(c) The procedure established by this section is exclusive of all other legal, equitable, and statutory remedies.

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

Sec. 3. Minnesota Statutes 2014, section 3.739, subdivision 2, is amended to read:

Subd. 2. **Evaluation and payment of claims.** Claims of ~~\$500~~ \$7,000 or less subject to this section shall be investigated by the state or local agency responsible for supervising the work to determine if the claim is valid and if the loss is covered by the claimant's insurance. The investigating agency shall submit all appropriate claims to the Department of Corrections. Subject to the limitations contained in subdivision 2a, the department shall pay the portion of an approved claim that is not covered by the claimant's insurance. This payment shall be made within a reasonable time. On or before the first day of each legislative session, the department shall submit to the appropriate committees of the senate and the house of representatives a list of the claims paid by it during the preceding calendar year and shall be reimbursed by legislative appropriation for the claims paid. For the purposes of this paragraph, in the case of a juvenile claimant the term "claimant's insurance" includes the insurance of the juvenile's parents if the juvenile is covered by the insurance.

A claim in excess of ~~\$500~~ \$7,000, and a claim that was not paid by the department may be presented to, heard, and determined by the appropriate committees of the senate and the house of representatives and, if approved, shall be paid pursuant to legislative claims procedure.

No juvenile claimant receiving payment under this section may be identified by name either in the list of claimants submitted by the department or in the legislative appropriation.

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

Sec. 4. Minnesota Statutes 2014, section 3.749, is amended to read:

3.749 LEGISLATIVE CLAIMS; FILING FEE.

A person filing a claim with the joint senate-house of representatives Subcommittee on Claims must pay a filing fee of ~~\$5~~ \$8. The money must be deposited by the clerk of the subcommittee in the state treasury and credited to the general fund. A claimant who is successful in obtaining an award from the subcommittee shall be reimbursed for the fee paid.

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

Amend the title numbers accordingly

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

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 3572: A bill for an act relating to natural resources; modifying prior clean water fund appropriations; appropriating money; amending Laws 2011, First Special Session chapter 6, article 2, sections 3; 5; 7, as amended; Laws 2013, chapter 137, article 2, sections 3; 5; 6, as amended; 7; 8; Laws 2015, First Special Session chapter 2, article 2, sections 3; 5; 7.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 3589, 2568, 3481 and 3572 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 3328 was read the second time.

MEMBERS EXCUSED

Senator Goodwin was excused from the Session of today from 11:00 a.m. to 1:20 p.m. Senator Westrom was excused from the Session of today from 11:00 a.m. to 1:40 p.m. Senator Lourey was excused from the Session of today from 1:05 to 1:20 p.m. Senator Kiffmeyer was excused from the Session of today from 1:15 to 1:40 p.m. Senator Bakk was excused from the Session of today from 1:15 to 2:20 p.m. Senator Pappas was excused from the Session of today from 1:45 to 1:50 p.m. Senator Cohen was excused from the Session of today from 1:45 to 2:20 p.m. Senators Hall and Nelson were excused from the Session of today from 2:40 to 2:50 p.m. Senator Saxhaug was excused from the Session of today from 3:05 to 3:30 p.m.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 10:00 a.m., Thursday, May 12, 2016. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

