

EIGHTY-SEVENTH DAY

St. Paul, Minnesota, Thursday, April 26, 2018

The Senate met at 10:30 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Vicar Bethany Ringdal.

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	Draheim	Housley	Little	Ruud
Anderson, B.	Dziedzic	Ingebrigtsen	Lourey	Senjem
Anderson, P.	Eaton	Isaacson	Marty	Simonson
Bakk	Eichorn	Jasinski	Mathews	Sparks
Benson	Eken	Jensen	Miller	Tomassoni
Bigham	Fischbach	Johnson	Nelson	Torres Ray
Carlson	Franzen	Kent	Newman	Utke
Chamberlain	Frentz	Kiffmeyer	Newton	Weber
Champion	Gazelka	Klein	Osmek	Westrom
Clausen	Goggin	Koran	Pappas	Wiger
Cohen	Hall	Laine	Pratt	Wiklund
Cwodzinski	Hawj	Lang	Relph	
Dahms	Hayden	Latz	Rest	
Dibble	Hoffman	Limmer	Rosen	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 12, 2018

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF THE PERPICH CENTER FOR ARTS EDUCATION

Charlene Eigen-Vasquez, 10324 - 55th St., Clear Lake, in the county of Sherburne, effective April 16, 2018, for a term expiring on January 3, 2022.

Mikal Nabors, 4200 Dupont Ave. N., Minneapolis, in the county of Hennepin, effective April 16, 2018, for a term expiring on January 3, 2022.

Michael Wilhelmi, 819 Everett Dr., Stillwater, in the county of Washington, effective April 16, 2018, for a term expiring on January 7, 2019.

(Referred to the committee on E-12 Policy.)

Sincerely,
Mark Dayton, Governor

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3210, 2743, and 3225.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted April 25, 2018

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 3210: A bill for an act relating to local government; modifying county authorization for storm and sanitary sewer systems; amending Minnesota Statutes 2016, section 444.075, subdivision 1a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3055, now on General Orders.

H.F. No. 2743: A bill for an act relating to civil actions; regulating actions for damages based on services or construction to improve real property; providing for a limitation on actions; amending Minnesota Statutes 2016, section 541.051, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2468, now on General Orders.

H.F. No. 3225: A bill for an act relating to commerce; regulating wireless communications device dealer payments for used devices; amending Minnesota Statutes 2016, section 325E.319, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3248, now on General Orders.

REPORTS OF COMMITTEES

Senator Gazelka moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

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

H.F. No. 3548 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.
3548	3405				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3548 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3548; and insert the language after the enacting clause of S.F. No. 3405, the first engrossment; further, delete the title of H.F. No. 3548; and insert the title of S.F. No. 3405, the first engrossment.

And when so amended H.F. No. 3548 will be identical to S.F. No. 3405, and further recommends that H.F. No. 3548 be given its second reading and substituted for S.F. No. 3405, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 3389 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3389	2885				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 3833 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.
3833	919				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3833 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3833, the third engrossment; and insert the language after the enacting clause of S.F. No. 919, the second engrossment; further, delete the title of H.F. No. 3833, the third engrossment; and insert the title of S.F. No. 919, the second engrossment.

And when so amended H.F. No. 3833 will be identical to S.F. No. 919, and further recommends that H.F. No. 3833 be given its second reading and substituted for S.F. No. 919, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 3552 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3552	3183				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 2391 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2391	2556				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 817 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.
817	2582				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 817 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 817, the second engrossment; and insert the language after the enacting clause of S.F. No. 2582, the first engrossment; further, delete the title of H.F. No. 817, the second engrossment; and insert the title of S.F. No. 2582, the first engrossment.

And when so amended H.F. No. 817 will be identical to S.F. No. 2582, and further recommends that H.F. No. 817 be given its second reading and substituted for S.F. No. 2582, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 3280 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.
3280	2983				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3280 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3280, the second engrossment; and insert the language after the enacting clause of S.F. No. 2983, the second engrossment; further, delete the title of H.F. No. 3280, the second engrossment; and insert the title of S.F. No. 2983, the second engrossment.

And when so amended H.F. No. 3280 will be identical to S.F. No. 2983, and further recommends that H.F. No. 3280 be given its second reading and substituted for S.F. No. 2983, and that the Senate File be indefinitely postponed.

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

Senator Pratt from the Committee on E-12 Policy, to which was referred the following appointment:

PROFESSIONAL EDUCATOR LICENSING AND STANDARDS BOARD
Amy Hewett-Olatunde

Reports the same back with the recommendation that the appointment be reported to the Senate without recommendation.

Senator Gazelka moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Pratt from the Committee on E-12 Policy, to which were referred the following appointments:

PROFESSIONAL EDUCATOR LICENSING AND STANDARDS BOARD
Anne Lindgren
Brian Rappe
Abdi Sabrie

Reports the same back with the recommendation that the appointments be confirmed.

Senator Gazelka moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF HOUSE BILLS

H.F. Nos. 3548, 3389, 3833, 3552, 2391, 817, and 3280 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Dzedzic introduced--

S.F. No. 4038: A bill for an act relating to taxation; creating a Minneapolis Housing Restoration Tax Increment Financing District.

Referred to the Committee on Taxes.

Senators Dzedzic and Dibble introduced--

S.F. No. 4039: A bill for an act relating to public safety; providing for a driver's license expiration and renewal exception for Peace Corps volunteers; amending Minnesota Statutes 2017 Supplement, section 171.27.

Referred to the Committee on Transportation Finance and Policy.

Senators Isaacson and Wiger introduced--

S.F. No. 4040: A bill for an act relating to education finance; appropriating money for the Independent School District No. 621, Mounds View, early college program.

Referred to the Committee on E-12 Finance.

Senators Ingebrigtsen and Ruud introduced--

S.F. No. 4041: A bill for an act relating to natural resources; modifying provisions for leasing state lands; providing for sales and conveyance of interests in public lands; appropriating money for natural resources; amending Minnesota Statutes 2016, section 92.502; Laws 2017, chapter 93, article 2, section 155, subdivision 4.

Referred to the Committee on Environment and Natural Resources Finance.

Senators Limmer and Dibble introduced--

S.F. No. 4042: A bill for an act relating to consumer protection; video games; prohibiting certain sales; proposing coding for new law in Minnesota Statutes, chapter 325I.

Referred to the Committee on Commerce and Consumer Protection Finance and Policy.

Senator Kent introduced--

S.F. No. 4043: A bill for an act relating to public safety; increasing penalty for repeated offenses for patrons of prostitutes; amending Minnesota Statutes 2016, section 609.324, subdivisions 3, 4, by adding a subdivision.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

Senators Newton, Abeler, Hoffman, and Chamberlain introduced--

S.F. No. 4044: A bill for an act relating to capital investment; appropriating money for a regional public safety training facility in Anoka County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

MOTIONS AND RESOLUTIONS

Senator Koran moved that the name of Senator Hawj be added as a co-author to S.F. No. 3663. The motion prevailed.

Senator Kiffmeyer introduced --

Senate Resolution No. 223: A Senate resolution congratulating Ryan Balken of St. Michael, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated S.F. No. 3656 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 3656: A bill for an act relating to state government; appropriating money for agriculture, rural development, housing, state government, public safety, transportation, environment, natural resources, energy, jobs, economic development, higher education, prekindergarten through grade 12 education, health, and human services; modifying agriculture, rural development, and housing provisions; specifying conditions of legislative ratification of proposed collective bargaining agreements; requiring proposed changes to state employee group insurance to be submitted separately to Legislative Coordinating Commission; requiring certain information about collective bargaining agreements and compensation plans be submitted to Legislative Coordinating Commission; creating transition period for Legislative Budget Office to take responsibility for coordinating fiscal notes and local impact notes; establishing Legislative Budget Office Oversight Commission; modifying the effective date of certain provisions governing preparation of fiscal notes; abolishing Office of MN.IT Services; establishing division of information technology within Department of Administration; permitting agencies more flexibility in contracting for information technology projects; requiring agencies to determine impact of proposed rule on cost of residential construction or remodeling; requiring notice to applicable legislative committees; precluding adoption of residential construction rules having certain cost until after next legislative session; exempting hair braiders from cosmetology registration requirements; prohibiting exclusive representative from charging fair share fee to nonmembers; investigating possible registration or voting by ineligible voters and reporting to law enforcement; increasing penalties for child pornography offenses; requiring reports on court-imposed stays of sentence or adjudication for sex offenses; restricting grounds that permit reunification of parents and children after parent sexually abuses child; increasing maximum penalty for certain invasion of privacy crimes involving minors; requiring predatory offender registration for certain invasion of privacy crimes involving minors; requiring collection of information on connection between pornography and sex trafficking; expanding authorized prostitution penalty assessment to include additional crimes; expanding criminal sexual conduct offenses for persons in current or recent positions of authority over juveniles and for peace officers who engage in sexual activity with those in custody; extending sunset date for court technology fund; expanding list of prior offenses that support a conviction of first-degree driving while impaired; prohibiting Department of Human Rights from using federal funds to expand program; modifying various provisions governing transportation and public safety policy and finance; modifying Metropolitan Council budgeting requirements; modifying environment and natural resources provisions; adding to and deleting from state parks, recreation areas, and forests; modifying drainage law; creating accounts; providing for disposition of certain receipts; modifying renewable development account utility annual contribution; modifying solar energy incentive program; establishing pension rate base; establishing criteria for utility cost recovery of energy storage system pilot projects; establishing utility stakeholder group; requiring investor-owned utilities to include in integrated resource plans an assessment of energy storage systems; establishing solar energy grant program for school districts; extending expiration date for an assessment; requiring creation of an excavation notice system contact information database; requiring cost-benefit analysis of energy storage systems; modifying job training program requirements; limiting use of funds in Douglas J. Johnson economic protection trust fund; modifying youth skills training program; modifying accessibility requirements for public buildings; modifying fees for manufactured home installers; adopting recommendations of Workers'

Compensation Advisory Council; adjusting basis for determining salary for judges of Workers' Compensation Court of Appeals; adopting recommendations of Unemployment Insurance Advisory Council; modifying certain higher education policy provisions; making clarifying and technical changes to loan forgiveness and research grant programs; providing for school safety, general education, education excellence, teachers, special education, facilities and technology, libraries, early education, and state agencies; making forecast adjustments; modifying provisions governing children and families, licensing, state-operated services, chemical and mental health, community supports and continuing care, and health care; modifying Department of Human Services administrative funds transfer; establishing Minnesota Health Policy Commission; repealing preferred incontinence program in medical assistance; increasing reimbursement rates for doula services; modifying telemedicine service limits; modifying EPSDT screening payments; modifying capitation payment delay; modifying provisions relating to wells and borings; adding security screening systems to ionizing radiation-producing equipment regulation; authorizing statewide tobacco cessation services; establishing an opioid reduction pilot program; establishing a low-value health services study; requiring coverage of 3D mammograms; requiring disclosure of facility fees; establishing a step therapy override process; requiring the synchronization of prescription refills; prohibiting a health plan company from preventing a pharmacist from informing a patient of a price differential; converting allied health professionals to a birth month renewal cycle; modifying temporary license suspensions and background checks for health-related professions; requiring a prescriber to access the prescription monitoring program before prescribing certain controlled substances; authorizing the Board of Pharmacy to impose a fee from a prescriber or pharmacist accessing prescription monitoring data through a service offered by the board's vendor; requiring administrative changes at the Office of Health Facility Complaints; providing access to information and data sharing; making technical changes; requiring rulemaking; requiring reports; amending Minnesota Statutes 2016, sections 3.3005, subdivision 8; 3.855, subdivisions 1a, 2, by adding a subdivision; 10A.01, subdivision 35; 13.64, by adding a subdivision; 16A.103, subdivisions 1, 1b, by adding a subdivision; 16A.88, subdivision 2; 16A.97; 16E.01, subdivision 1; 16E.015, by adding a subdivision; 16E.016; 16E.02; 16E.055; 16E.14; 16E.18, subdivisions 4, 6; 16E.21, subdivision 3; 17.117, subdivisions 1, 4; 17.494; 17.4982, by adding subdivisions; 18.83, subdivision 7; 18C.425, subdivision 6; 18C.80, subdivision 2; 21.89, subdivision 2; 41A.16, subdivisions 1, 2; 41A.17, subdivision 1; 62A.30, by adding a subdivision; 80E.13; 84.0895, subdivision 2; 84.86, subdivision 1; 86B.005, subdivision 8a; 86B.532, subdivision 1; 88.10, by adding a subdivision; 88.75, subdivision 1; 89.551; 92.50, by adding a subdivision; 94.10, subdivision 2; 97A.051, subdivision 2; 97A.433, subdivisions 4, 5; 97B.015, subdivision 6; 97B.1055; 97C.345, subdivision 3a; 103B.3369, subdivisions 5, 9; 103B.801, subdivisions 2, 5; 103E.021, subdivision 6; 103E.071; 103E.351, subdivision 1; 103F.361, subdivision 2; 103F.363, subdivision 1; 103F.365, by adding a subdivision; 103F.371; 103F.373, subdivisions 1, 3, 4; 103G.2242, subdivision 14; 103H.275, subdivision 1; 103I.205, subdivision 9; 103I.301, subdivision 6; 114D.15, subdivisions 7, 11, 13, by adding subdivisions; 114D.20, subdivisions 2, 3, 5, 7, by adding subdivisions; 114D.26; 114D.35, subdivisions 1, 3; 115.03, subdivision 5, by adding a subdivision; 115.035; 115A.51; 115A.94, subdivisions 2, 4a, 4b, 4c, 4d, 5, by adding subdivisions; 116.07, subdivision 2, by adding a subdivision; 116.155, subdivision 1, by adding a subdivision; 116.993, subdivisions 2, 6; 116J.8747, subdivisions 2, 4; 119B.011, subdivision 19, by adding a subdivision; 119B.02, subdivision 7; 119B.03, subdivision 9; 120A.20, subdivision 2; 122A.63, subdivisions 1, 4, 5, 6, by adding a subdivision; 123B.595, by adding a subdivision; 123B.61; 124D.09, subdivisions 4, 22; 124D.151, subdivisions 2, 3; 124E.20, subdivision 1; 125B.26, subdivision 4, by adding a subdivision; 126C.10, subdivisions 2e, 24; 126C.17, subdivisions 1, 2, 5, 6, 7, 7a; 126C.40, subdivision 1; 126C.44; 127A.70, subdivision 2; 135A.15, subdivision 2;

136A.15, subdivision 8; 136A.16, subdivisions 1, 2, 5, 8, 9; 136A.162; 136A.1701, subdivision 7; 136A.1791, subdivision 8; 136A.1795, subdivision 2; 136A.64, subdivision 1; 136A.822, subdivision 10; 136A.901, subdivision 1; 144.121, subdivision 1a, by adding a subdivision; 144A.53, subdivision 2; 147.012; 147.02, by adding a subdivision; 147A.06; 147A.07; 147B.02, subdivision 9, by adding a subdivision; 147C.15, subdivision 7, by adding a subdivision; 147D.17, subdivision 6, by adding a subdivision; 147D.27, by adding a subdivision; 147E.15, subdivision 5, by adding a subdivision; 147E.40, subdivision 1; 147F.07, subdivision 5, by adding subdivisions; 147F.17, subdivision 1; 148.7815, subdivision 1; 151.065, by adding a subdivision; 151.214; 151.71, by adding a subdivision; 152.126, subdivisions 6, 10; 155A.25, subdivision 1a; 155A.28, by adding a subdivision; 161.088, subdivision 2; 161.115, subdivision 111; 161.14, by adding subdivisions; 161.32, subdivision 2; 168.013, subdivision 6; 168.101, subdivision 2a; 168.127, subdivisions 4, 6; 168.27, by adding subdivisions; 168.301, subdivision 3; 168.326; 168.33, subdivision 8a, by adding a subdivision; 168.346, subdivision 1; 168A.05, by adding a subdivision; 168A.12, subdivision 2; 168A.151, subdivision 1; 168A.17, by adding a subdivision; 168A.29, subdivision 1; 169.011, subdivision 60; 169.14, subdivision 5; 169.18, subdivisions 10, 11, 12; 169.20, by adding a subdivision; 169.26, subdivision 1; 169.28; 169.29; 169.71, subdivision 4; 169.81, subdivision 5, by adding a subdivision; 169.8261, subdivision 2; 169.974, subdivision 2; 169A.24, subdivision 1; 174.12, subdivision 8; 174.37, subdivision 6; 174.66; 175A.05; 176.231, subdivision 9; 179A.06, subdivision 3; 201.022, by adding subdivisions; 205A.07, subdivision 2; 214.075, subdivisions 1, 4, 5, 6; 214.077; 214.10, subdivision 8; 216B.16, by adding a subdivision; 216B.1645, by adding a subdivision; 216B.2422, subdivision 1, by adding a subdivision; 216D.03, by adding a subdivision; 216G.01, subdivision 3; 221.031, subdivision 2d; 221.0314, subdivision 9; 221.036, subdivisions 1, 3; 221.122, subdivision 1; 221.161, subdivision 1, by adding a subdivision; 221.171, subdivision 1; 243.166, subdivision 1b; 244.052, subdivision 4; 245.4889, by adding a subdivision; 245A.175; 245C.14; 245C.15, by adding a subdivision; 245C.22, by adding a subdivision; 245C.24, by adding a subdivision; 245D.071, subdivision 5; 245D.091, subdivisions 2, 3, 4; 254A.035, subdivision 2; 254B.02, subdivision 1; 254B.06, subdivision 1; 256.01, by adding a subdivision; 256B.04, subdivision 14; 256B.0625, subdivision 58, by adding subdivisions; 256B.0659, subdivisions 3a, 11, 21, 24, 28, by adding a subdivision; 256B.0915, subdivision 6; 256B.092, subdivisions 1b, 1g; 256B.4914, subdivision 4; 256I.04, by adding subdivisions; 256K.45, subdivision 2; 256M.41, subdivision 3, by adding a subdivision; 256N.24, by adding a subdivision; 260.012; 260.835, subdivision 2; 268.035, subdivisions 4, 12; 268.044, subdivisions 2, 3; 268.047, subdivision 3; 268.051, subdivisions 2a, 3; 268.053, subdivision 1; 268.057, subdivision 5; 268.059; 268.066; 268.067; 268.069, subdivision 1; 268.085, subdivisions 3, 3a; 268.095, subdivision 6a; 268.105, subdivision 6; 268.145, subdivision 1; 299A.01, by adding a subdivision; 299A.705; 299A.707, by adding a subdivision; 299A.785, subdivision 1; 326B.106, subdivision 9; 326B.815, subdivision 1; 327.31, by adding a subdivision; 327B.041; 327C.095, subdivisions 4, 6, 12, 13, by adding a subdivision; 349A.05; 357.021, subdivision 2b; 360.013, by adding a subdivision; 360.017, subdivision 1; 360.021, subdivision 1; 360.062; 360.063, subdivisions 1, 3; 360.064, subdivision 1; 360.065, subdivision 1; 360.066, subdivision 1; 360.067, by adding a subdivision; 360.071, subdivision 2; 360.305, subdivision 6; 394.22, by adding a subdivision; 394.23; 394.231; 394.25, subdivision 3; 462.352, by adding a subdivision; 462.355, subdivision 1; 462.357, subdivision 9, by adding a subdivision; 462A.33, subdivisions 1, 2; 462A.37, subdivisions 1, 2; 473.13, subdivisions 1, 4, by adding subdivisions; 473.146, subdivisions 1, 3; 473.3994, by adding a subdivision; 473.606, subdivision 5; 473.8441, subdivision 4; 474A.02, by adding subdivisions; 474A.03, subdivision 1; 474A.04, subdivision 1a; 474A.047, subdivision 2; 474A.061, subdivisions 1, 2a, 2b, 2c, 4, by adding subdivisions; 474A.062; 474A.091, subdivisions 1, 2, 3, 5, 6, by adding a subdivision; 474A.131, subdivisions 1, 1b, 2;

474A.14; 475.58, subdivision 4; 574.26, subdivision 1a; 609.3241; 609.341, subdivision 10; 609.342, subdivision 1; 609.343, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.746, subdivision 1; 617.246, subdivisions 2, 3, 4, 7; 617.247, subdivisions 3, 4, 9; 626.556, by adding a subdivision; Minnesota Statutes 2017 Supplement, sections 3.8853, subdivisions 1, 2, by adding subdivisions; 3.972, subdivision 4; 3.98, subdivisions 1, 4; 15A.083, subdivision 7; 16A.152, subdivision 2; 16E.0466, subdivision 1; 18C.70, subdivision 5; 18C.71, subdivision 4; 84.01, subdivision 6; 84.925, subdivision 1; 84.9256, subdivision 1; 84D.03, subdivisions 3, 4; 84D.108, subdivisions 2b, 2c; 85.0146, subdivision 1; 89.17; 97A.075, subdivision 1; 103G.222, subdivision 3; 103G.2242, subdivision 1; 103I.005, subdivisions 2, 8a, 17a; 103I.205, subdivisions 1, 4; 103I.208, subdivision 1; 103I.235, subdivision 3; 103I.601, subdivision 4; 116.0714; 116C.779, subdivision 1; 116C.7792; 119B.011, subdivision 20; 119B.025, subdivision 1; 119B.06, subdivision 1; 119B.09, subdivision 1; 119B.095, subdivision 2; 119B.13, subdivision 1; 122A.187, by adding a subdivision; 123B.03, subdivision 1; 124D.151, subdivisions 5, 6; 124D.68, subdivision 2; 124E.03, subdivision 2; 136A.1275, subdivisions 2, 3; 136A.1789, subdivision 2; 136A.646; 136A.672, by adding a subdivision; 136A.822, subdivision 6; 136A.8295, by adding a subdivision; 147.01, subdivision 7; 147A.28; 147B.08; 147C.40; 152.105, subdivision 2; 161.088, subdivision 5; 168.013, subdivision 1a; 169.18, subdivision 7; 169.829, subdivision 4; 175.46, subdivision 13; 216B.1691, subdivision 2f; 216B.241, subdivision 1d; 216B.62, subdivision 3b; 245.4889, subdivision 1; 245A.03, subdivision 7; 245A.06, subdivision 8; 245A.11, subdivision 2a; 245C.16, subdivision 1; 245D.03, subdivision 1; 256B.0625, subdivisions 3b, 17; 256B.0911, subdivisions 1a, 3a, 3f, 5; 256B.49, subdivision 13; 256B.4914, subdivisions 2, 3, 5, 10, 10a; 256I.03, subdivision 8; 256I.04, subdivision 2b; 256I.05, subdivision 3; 268.035, subdivisions 15, 20; 268.046, subdivision 1; 268.07, subdivision 1; 268.085, subdivision 13a; 268.095, subdivision 6; 268.18, subdivisions 2b, 5; 298.292, subdivision 2; 364.09; 462A.2035, subdivisions 1, 1b; 473.4051, subdivision 2; 473.4485, subdivision 2; 475.59, subdivision 1; 477A.03, subdivision 2b; Laws 2010, chapter 361, article 4, section 78; Laws 2014, chapter 312, article 27, section 76; Laws 2015, First Special Session chapter 4, article 4, section 146, as amended; Laws 2016, chapter 189, article 3, sections 3, subdivision 5; 48; Laws 2017, chapter 88, article 1, section 2, subdivisions 2, 4; Laws 2017, chapter 89, article 1, section 2, subdivisions 18, 20, 29, 31, 32, 33, 34, 40; Laws 2017, chapter 94, article 1, sections 2, subdivisions 2, 3, 4, subdivision 5; 7, subdivision 7; 9; Laws 2017, First Special Session chapter 1, article 4, section 31; Laws 2017, First Special Session chapter 3, article 1, section 4, subdivisions 1, 2, 4; Laws 2017, First Special Session chapter 4, article 1, section 10, subdivision 1; article 2, sections 1; 3; 9; 58; Laws 2017, First Special Session chapter 5, article 1, section 19, subdivisions 2, 3, 4, 5, 6, 7, 9; article 2, sections 56; 57, subdivisions 2, 3, 4, 5, 6, 12, 21, 22, 23, 26, 34; article 4, section 12, subdivisions 2, as amended, 3, 4, 5; article 5, section 14, subdivisions 2, 3, 4; article 6, section 3, subdivisions 2, 3, 4; article 8, sections 9, subdivision 6; 10, subdivisions 5a, 6, 12; article 9, section 2, subdivision 2; article 10, section 6, subdivision 2; article 11, sections 9, subdivision 2; 12; Laws 2017, First Special Session chapter 6, article 1, section 52; article 3, section 49; article 4, section 61; article 10, section 144; proposing coding for new law in Minnesota Statutes, chapters 3; 11A; 14; 16A; 17; 62J; 62Q; 97A; 103B; 103F; 115; 115B; 120B; 123B; 124D; 136A; 144; 147A; 147B; 147C; 147D; 147E; 147F; 161; 168A; 176; 216C; 246; 256B; 260C; 299A; 327; 349A; 360; 383A; 609; repealing Minnesota Statutes 2016, sections 16A.98; 16E.145; 122A.63, subdivisions 7, 8; 126C.16, subdivisions 1, 3; 126C.17, subdivision 9a; 136A.15, subdivisions 2, 7; 136A.1701, subdivision 12; 155A.28, subdivisions 1, 3, 4; 168.013, subdivision 21; 214.075, subdivision 8; 221.161, subdivisions 2, 3, 4; 256B.0625, subdivision 18b; 256B.0705; 268.053, subdivisions 4, 5; 349A.16; 360.063, subdivision 4; 360.065, subdivision 2; 360.066, subdivisions 1a, 1b; Minnesota Statutes 2017 Supplement, section 256B.0625, subdivision 31c; Laws 2008, chapter 368, article 1, section 21, subdivision 2;

Laws 2016, chapter 189, article 25, section 62, subdivision 16; Laws 2017, First Special Session chapter 4, article 2, section 59; Minnesota Rules, part 5600.0605, subparts 5, 8.

Senator Cohen moved to amend S.F. No. 3656 as follows:

Page 5, delete section 2

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Pratt imposed a call of the Senate for the balance of the proceedings on S.F. No. 3656. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	Wiklund
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

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

Senator Isaacson moved to amend S.F. No. 3656 as follows:

Page 8, line 23, delete "Access to data; treatment" and insert "Data practices" and before "Upon" insert "(a) The Legislative Budget Office is subject to the Minnesota Government Data Practices Act, chapter 13. (b)"

Page 8, line 30, delete "Violation"

Page 8, delete line 31

Page 9, delete lines 1 and 2 and insert:

"(c) The data classifications under section 13.64 apply to government data of the Legislative Budget Office."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	Wiklund
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmeck	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

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

Senator Isaacson moved to amend S.F. No. 3656 as follows:

Page 14, after line 33, insert:

"Sec. 16. [15.0146] COUNCIL ON LGBTQI MINNESOTANS.

Subdivision 1. **Council established; membership.** (a) The Council on LGBTQI Minnesotans is established. The council consists of 16 voting members, appointed as provided in this subdivision. The governor may additionally appoint a commissioner of a state agency or a designee of that commissioner to serve as an ex-officio, nonvoting member of the council.

(b) The governor shall appoint a total of 12 public voting members, as follows: two members who identify as gay, two members who identify as lesbian, two members who identify as bisexual, two members who identify as transgender, two members who identify as queer, and two members who identify as intersex.

(c) Four legislators shall be appointed to the council, as follows: the speaker of the house and the house of representatives minority leader shall each appoint one member of the house of representatives, and the Subcommittee on Committees of the Senate Committee on Rules and Administration shall appoint one member of the senate majority caucus and one member of the senate minority caucus.

Subd. 2. **Appointments; terms; removal.** (a) In making appointments to the council, the governor shall consider an appointee's proven dedication and commitment to Minnesota's LGBTQI community and any expertise possessed by the appointee that might be beneficial to the council,

such as experience in public policy, legal affairs, social work, business, or management. The executive director and legislative members may offer advice to the governor on applicants seeking appointment.

(b) Terms, compensation, and filling of vacancies for members appointed by the governor are as provided in section 15.059. Removal of members appointed by the governor is governed by section 15.059, except that: (1) a member who missed more than half of the council meetings convened during a 12-month period is automatically removed from the council; and (2) a member appointed by the governor may be removed by a vote of three of the four legislative members of the council. The chair of the council shall inform the governor of the need for the governor to fill a vacancy on the council. Legislative members serve at the pleasure of their appointing authority.

(c) A member appointed by the governor may serve no more than a total of eight years on a council. A legislator may serve no more than eight consecutive years or 12 nonconsecutive years on any one council.

Subd. 3. **Training; executive committee; meetings; support.** (a) A member appointed by the governor must attend orientation training within the first six months of service for the member's initial term. The commissioner of administration must arrange for the training to include but not be limited to the legislative process, government data practices, ethics, conflicts of interest, open meeting law, Robert's Rules of Order, fiscal management, and human resources. The governor must remove a member who does not complete the training.

(b) The council shall annually elect from among the members appointed by the governor a chair and other officers it deems necessary. These officers and one legislative member selected by the council shall serve as the executive committee of the council.

(c) Forty percent of voting members of the council constitutes a quorum. A quorum is required to conduct council business. A council member may not vote on any action if the member has a conflict of interest under section 10A.07.

(d) The council shall receive administrative support from the commissioner of administration under section 16B.371. The council may contract in its own name but may not accept or receive a loan or incur indebtedness except as otherwise provided by law. Contracts must be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the powers and duties specified in this section.

(e) The attorney general shall provide legal services to the council on behalf of the state on all matters relating to the council, including matters relating to the state as the employer of the executive director of the council and other council staff.

Subd. 4. **Executive director; staff.** (a) The Legislative Coordinating Commission must appoint an executive director for the council. The executive director must be experienced in administrative activities and familiar with the challenges and needs of Minnesota's LGBTQI community. The executive director serves in the unclassified service at the pleasure of the Legislative Coordinating Commission.

(b) The Legislative Coordinating Commission must establish a process for recruiting and selecting applicants for the executive director position. This process must include consultation and collaboration with the council.

(c) The executive director and council members must work together in fulfilling council duties. The executive director must consult with the commissioner of administration to ensure appropriate financial, purchasing, human resources, and other services for operation of the council.

(d) Once appointed, the council is responsible for supervising the work of its director. The council chair must report to the chair of the Legislative Coordinating Commission regarding the performance of the executive director, including any recommendations regarding disciplinary actions. The executive director must appoint and supervise the work of other staff necessary to carry out the duties of the council. The executive director must consult with the council chair prior to taking the following disciplinary actions with council staff: written reprimand, suspension, demotion, or discharge. The executive director and other council staff are executive branch employees.

(e) The executive director must submit the council's biennial budget request to the commissioner of management and budget as provided under chapter 16A.

Subd. 5. **Duties of council.** (a) The council must work for the implementation of economic, social, legal, and political equality for Minnesota's LGBTQI community. The council shall work with the legislature and governor to carry out this work by performing the duties in this section.

(b) The council shall advise the governor and the legislature on issues confronting the community. This may include but is not limited to presenting the results of surveys, studies, and community forums to the appropriate executive departments and legislative committees.

(c) The council shall advise the governor and the legislature of administrative and legislative changes needed to improve the economic and social condition of Minnesota's LGBTQI community. This may include but is not limited to working with legislators to develop legislation to address these issues and to work for passage of the legislation. This may also include making recommendations regarding the state's affirmative action program and the state's targeted group small business program, or working with state agencies and organizations to develop business opportunities and promote economic development for the LGBTQI community.

(d) The council shall advise the governor and the legislature of the implications and effect of proposed administrative and legislative changes on the constituency of the council. This may include but is not limited to tracking legislation, testifying as appropriate, and meeting with executive departments and legislators.

(e) The council shall serve as a liaison between state government and organizations that serve Minnesota's LGBTQI community. This may include but is not limited to working with these organizations to carry out the duties in paragraphs (a) to (d), and working with these organizations to develop informational programs or publications to involve and empower the community in seeking improvement in their economic and social conditions.

(f) The council shall perform or contract for the performance of studies designed to suggest solutions to the problems of Minnesota's LGBTQI community in the areas of education, employment, human rights, health, housing, social welfare, and other related areas.

(g) In carrying out duties under this subdivision, the council may act to advise on issues that affect the shared constituencies with the councils established in section 15.0145.

Subd. 6. **Duties of council members.** A council member shall:

(1) attend and participate in scheduled meetings and be prepared by reviewing meeting notes;

(2) maintain and build communication with Minnesota's LGBTQI community;

(3) collaborate with the council and executive director in carrying out the council's duties; and

(4) participate in activities the council or executive director deem appropriate and necessary to facilitate the goals and duties of the council.

Subd. 7. **Reports.** The council must report on the measurable outcomes achieved in the council's current strategic plan to meet its statutory duties, along with the specific objectives and outcome measures proposed for the following year. The council must submit the report by January 15 each year to the chairs of the committees in the house of representatives and the senate with primary jurisdiction over state government operations. Each report must cover the calendar year of the year before the report is submitted. The specific objectives and outcome measures for the following current year must focus on three or four achievable objectives, action steps, and measurable outcomes for which the council will be held accountable. The strategic plan may include other items that support the statutory purposes of the council but should not distract from the primary statutory proposals presented. The biennial budget of each council must be submitted to the Legislative Coordinating Commission by February 1 in each odd-numbered year."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	Wiklund
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

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

Senator Laine moved to amend S.F. No. 3656 as follows:

Page 5, delete section 1

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	Wiklund
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmeck	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

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

Senator Eken moved to amend S.F. No. 3656 as follows:

Page 20, line 31, delete "Office of MN.IT Services" and insert "Division of Information Technology"

Page 28, line 26, delete "from" and insert "of"

Page 39, after line 3, insert:

"Sec. 4. Minnesota Statutes 2016, section 216B.1641, is amended to read:

216B.1641 COMMUNITY SOLAR GARDEN.

(a) The public utility subject to section 116C.779 shall file by September 30, 2013, a plan with the commission to operate a community solar garden program which shall begin operations within 90 days after commission approval of the plan. Other public utilities may file an application at their election. The community solar garden program must be designed to offset the energy use of not less than five subscribers in each community solar garden facility of which no single subscriber has more than a 40 percent interest. The owner of the community solar garden may be a public utility or any other entity or organization that contracts to sell the output from the community solar garden to the utility under section 216B.164. There shall be no limitation on the number or cumulative

generating capacity of community solar garden facilities other than the limitations imposed under section 216B.164, subdivision 4c, or other limitations provided in law or regulations.

(b) A solar garden is a facility that generates electricity by means of a ground-mounted or roof-mounted solar photovoltaic device whereby subscribers receive a bill credit for the electricity generated in proportion to the size of their subscription. The solar garden must have a nameplate capacity of no more than one megawatt. Each subscription shall be sized to represent at least 200 watts of the community solar garden's generating capacity and to supply, when combined with other distributed generation resources serving the premises, no more than 120 percent of the average annual consumption of electricity by each subscriber at the premises to which the subscription is attributed.

(c) The solar generation facility must be located in the service territory of the public utility filing the plan. Subscribers must be retail customers of the public utility and must be located in the same county or a county contiguous to where the facility is located, unless the facility has a minimum setback of 100 feet from the nearest residential property not on the same parcel.

(d) The public utility must purchase from the community solar garden all energy generated by the solar garden. The purchase shall be at the rate calculated under section 216B.164, subdivision 10, or, until that rate for the public utility has been approved by the commission, the applicable retail rate. A solar garden is eligible for any incentive programs offered under either section 116C.7792 or ~~section~~ 216C.415. A subscriber's portion of the purchase shall be provided by a credit on the subscriber's bill.

(e) The commission may approve, disapprove, or modify a community solar garden program. Any plan approved by the commission must:

- (1) reasonably allow for the creation, financing, and accessibility of community solar gardens;
- (2) establish uniform standards, fees, and processes for the interconnection of community solar garden facilities that allow the utility to recover reasonable interconnection costs for each community solar garden;
- (3) not apply different requirements to utility and nonutility community solar garden facilities;
- (4) be consistent with the public interest;
- (5) identify the information that must be provided to potential subscribers to ensure fair disclosure of future costs and benefits of subscriptions;
- (6) include a program implementation schedule;
- (7) identify all proposed rules, fees, and charges; and
- (8) identify the means by which the program will be promoted.

(f) Notwithstanding any other law, neither the manager of nor the subscribers to a community solar garden facility shall be considered a utility solely as a result of their participation in the community solar garden facility.

(g) Within 180 days of commission approval of a plan under this section, a utility shall begin crediting subscriber accounts for each community solar garden facility in its service territory, and shall file with the commissioner of commerce a description of its crediting system.

(h) For the purposes of this section, the following terms have the meanings given:

(1) "subscriber" means a retail customer of a utility who owns one or more subscriptions of a community solar garden facility interconnected with that utility; and

(2) "subscription" means a contract between a subscriber and the owner of a solar garden."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 49 and nays 18, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Hoffman	Latz	Rosen
Bakk	Dziedzic	Housley	Little	Senjem
Bigham	Eaton	Ingebrigtsen	Lourey	Simonson
Carlson	Eichorn	Isaacson	Marty	Sparks
Champion	Eken	Jasinski	Miller	Tomassoni
Clausen	Fischbach	Johnson	Nelson	Torres Ray
Cohen	Franzen	Kent	Newton	Westrom
Cwodzinski	Frentz	Klein	Pappas	Wiger
Dahms	Hawj	Laine	Relph	Wiklund
Dibble	Hayden	Lang	Rest	

Those who voted in the negative were:

Anderson, B.	Gazelka	Kiffmeyer	Newman	Utke
Anderson, P.	Goggin	Koran	Osmek	Weber
Benson	Hall	Limmer	Pratt	
Chamberlain	Jensen	Mathews	Ruud	

The motion prevailed. So the amendment was adopted.

Senator Latz moved to amend S.F. No. 3656 as follows:

Page 46, after line 24, insert:

"Sec. 12. [237.122] PERSONAL INFORMATION; PROHIBITION.

A telecommunications or Internet service provider that has entered into a franchise agreement, right-of-way agreement, or other contract with the state of Minnesota or a political subdivision, or that uses facilities that are subject to such agreements even if it is not a party to the agreement, is prohibited from collecting personal information from a customer resulting from the customer's use of the telecommunications or Internet service provider without express written approval from the customer. A telecommunication or Internet service provider is prohibited from refusing to provide its services to a customer on the grounds that the customer has not approved collection of the customer's personal information.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Osmek questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Latz 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 34 and nays 33, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

Those who voted in the negative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	Wiklund
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

So the decision of the President was sustained.

Senator Latz moved to amend S.F. No. 3656 as follows:

Page 32, after line 29, insert:

"Section 1. **[16C.37] CONTRACTS FOR INTERNET SERVICE; ADHERENCE TO NET NEUTRALITY.**

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

(b) "Broadband Internet access service" means:

(1) a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to or enable the operation of the communications service;

(2) any service that provides a functional equivalent of the service described in clause (1); or

(3) any service that is used to evade the protections set forth in this section.

Broadband Internet access service includes a service that serves end users at fixed endpoints using stationary equipment or end users using mobile stations, but does not include dial-up Internet access service.

(c) "Edge provider" means any person or entity that provides (1) any content, application, or service over the Internet, or (2) a device used for accessing any content, application, or service over the Internet.

(d) "Internet service provider" means a business that provides broadband Internet access service to a customer in Minnesota.

(e) "Paid prioritization" means the management of an Internet service provider's network to directly or indirectly favor some traffic over other traffic in exchange for monetary compensation from a third party, other consideration from a third party, or to benefit an affiliated entity.

Subd. 2. **Purchasing or funding broadband Internet access services; prohibitions.** A state agency or political subdivision is prohibited from entering into a contract or providing funding for the purchase of broadband Internet access service that does not contain:

(1) a binding agreement in which the Internet service provider certifies, under penalty of perjury, that the Internet service provider will not engage in any of the following activities with respect to any of its Minnesota customers:

(i) block lawful content, applications, services, or nonharmful devices, subject to reasonable network management;

(ii) impair, impede, or degrade lawful Internet traffic on the basis of (A) Internet content, application, or service, or (B) use of a nonharmful device, subject to reasonable network management;

(iii) engage in paid prioritization;

(iv) unreasonably interfere with or unreasonably disadvantage:

(A) a customer's ability to select, access, and use broadband Internet service or lawful Internet content, applications, services, or devices of the customer's choice; or

(B) an edge provider's ability to provide lawful Internet content, applications, services, or devices to a customer; or

(v) engage in deceptive or misleading marketing practices that misrepresent the treatment of Internet traffic or content; and

(2) provisions requiring the state agency or political subdivision, upon determining that an Internet service provider has violated the binding agreement in clause (1), to unilaterally terminate the contract for broadband Internet access service and require the Internet service provider to remunerate the state agency or political subdivision for all revenues earned under the contract during the period when the violation occurred.

Subd. 3. **Other laws.** Nothing in this section supersedes any obligation, authorization, or ability an Internet service provider may have under applicable law to address the needs of emergency communications or law enforcement, public safety, or national security authorities.

Subd. 4. **Exception.** This section does not apply to a state agency or political subdivision that purchases or funds fixed broadband Internet access services in a geographic location where fixed broadband Internet access services are only available from a single Internet service provider.

Subd. 5. **Enforcement.** Violations of the certification required under subdivision 2 must be enforced under section 609.48. The venue for enforcement proceedings is Ramsey County.

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

Page 46, after line 24, insert:

"Sec. 13. **[325F.6945] INTERNET SERVICE PROVIDERS; PROHIBITED ACTIONS.**

Subdivision 1. **Definitions.** The definitions in section 16C.37 apply to this section.

Subd. 2. **Prohibited actions.** An Internet service provider is prohibited from engaging in any of the following activities with respect to any of its Minnesota customers:

(1) block lawful content, applications, services, or nonharmful devices, subject to reasonable network management;

(2) impair, impede, or degrade lawful Internet traffic on the basis of (i) Internet content, application, or service, or (ii) use of a nonharmful device, subject to reasonable network management;

(3) engage in paid prioritization;

(4) unreasonably interfere with or unreasonably disadvantage:

(i) a customer's ability to select, access, and use broadband Internet service or lawful Internet content, applications, services, or devices of the customer's choice; or

(ii) an edge provider's ability to provide lawful Internet content, applications, services, or devices to a customer; or

(5) engage in deceptive or misleading marketing practices that misrepresent the treatment of Internet traffic or content.

Subd. 3. **Certification required.** Prior to offering service to a customer in this state, an Internet service provider must file with the commissioner of commerce a document certifying, under penalty of perjury, that it will not engage in any of the activities prohibited in subdivision 2.

Subd. 4. **Other laws.** Nothing in this section supersedes any obligation, authorization, or ability an Internet service provider may have under applicable law to address the needs of emergency communications or law enforcement, public safety, or national security authorities.

Subd. 5. **Enforcement.** (a) Violations of subdivision 2 may be enforced by the commissioner of commerce under section 45.027 and by the attorney general under section 8.31. The venue for enforcement proceedings is Ramsey County.

(b) Violations of the certification required under subdivision 3 must be enforced under section 609.48. The venue for enforcement proceedings is Ramsey County.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to contracts and agreements entered into on and after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Osmek questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Latz 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 34 and nays 33, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

Those who voted in the negative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	Wiklund
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

So the decision of the President was sustained.

Senator Lang moved to amend S.F. No. 3656 as follows:

Page 38, after line 27, insert:

"Sec. 3. [116C.7793] BIOMASS BUSINESS COMPENSATION.

Subdivision 1. **Office of Administrative Hearings; claims process.** The chief administrative law judge of the Office of Administrative Hearings must name an administrative law judge to administer a claims award process to compensate businesses negatively affected by the sale and

closure of the biomass plant identified under section 116C.779, subdivision 1, paragraph (e). The administrative law judge may create a process, including creation of forms, to consider claims for affected businesses and issue awards to eligible businesses. A form developed for the process must, at a minimum, require the name of the business, the business address and telephone number, and the name of a contact person.

Subd. 2. **Eligibility.** To be eligible for compensation, an affected business must verify that as of May 1, 2017, it was operating under the terms of a valid contract or provide other documentation demonstrating an ongoing business relationship of preparing, supplying, or transporting products, fuel, or by-products to or from either the company operating the biomass plant identified under section 116C.779, subdivision 1, paragraph (e), or a fertilizer plant integrated with the biomass plant identified under section 116C.779, subdivision 1, paragraph (e).

Subd. 3. **Calculation of award.** (a) An eligible business shall make any claim for compensation with the administrative law judge in accordance with this section.

(b) A claim for compensation by an eligible business shall:

(1) demonstrate the extent of its lost business opportunity by providing copies of any contracts or other documentation under subdivision 2, including financial statements showing company financial performance over the past five years for supplying or managing material for, or receiving material from, the biomass plant identified under section 116C.779, subdivision 1, paragraph (e);

(2) report any payment received from business interruption insurance policies or other payments, settlements, or awards received as a result of termination of an agreement resulting from the closure of the biomass plant identified under section 116C.779, subdivision 1, paragraph (e), the payment of which would offset compensation provided under this section. A business seeking compensation must also provide a valuation of the sales, salvage, or scrap value of real or personal property associated with the business if there is no alternative use available for the company's real and personal property;

(3) provide information documenting its stranded investment in personal property essential to the business operation but for which there is no valuable alternative use in the marketplace. Such stranded investment may be included in the calculation of compensable loss for purposes of seeking compensation under this section; and

(4) provide any other documentation it deems appropriate, or as required by the administrative law judge, to support its claim for compensation, including a narrative regarding the facts of the business claim that gives rise to the request for compensation.

(c) Section 13.591 applies to data submitted by a business requesting compensation under this section.

Subd. 4. **Priority.** The administrative law judge may give priority to claims by eligible businesses that demonstrate a significant effort to:

(1) mitigate losses resulting from the closure of the biomass plant identified under section 116C.779, subdivision 1, paragraph (e); or

(2) repurpose the business for another use through retasking and retooling.

Whether the business is requesting compensation for a total business loss without mitigation efforts shall also be a factor in determining awards.

Subd. 5. **Amount of claim.** Any claim is limited by and proportional to the amount provided for compensation in the biomass business compensation fund established under section 116C.7794, and the number of claimants. A request for compensation must not exceed the average of the annual net revenue generated from a contract or business relationship with the biomass plant identified under section 116C.779, subdivision 1, paragraph (e), or a fertilizer plant integrated with the biomass plant identified under section 116C.779, subdivision 1, paragraph (e), for the past five years times ten or times the number of years remaining on the biomass plant's original power purchase agreement, whichever is less.

Subd. 6. **Deadlines.** The administrative law judge shall make an application process for compensation available by August 1, 2018. A business seeking to submit a request for compensation under this section must file claims with the administrative law judge within 60 days following closure of the biomass plant. The administrative law judge shall issue orders on award determinations within 180 days after the deadline for filing claims.

Subd. 7. **Appeals.** Orders issued by the administrative law judge under this section are final. An order denying compensation claimed under this section is subject to the contested case review procedures under chapter 14.

EFFECTIVE DATE. This section is effective June 1, 2018.

Sec. 4. **[116C.7794] BIOMASS BUSINESS COMPENSATION ACCOUNT.**

Subdivision 1. **Account established.** A biomass business compensation account is established as a separate account in the special revenue fund in the state treasury. Appropriations and transfers to the account must be credited to the account. Earnings, such as interest, and any other earnings arising from the assets of the account are credited to the account. Funds remaining in the account as of December 31, 2020, must be transferred to the renewable development account established under section 116C.779.

Subd. 2. **Funding for the special account.** On July 1, 2019, \$40,000,000 must be transferred from the renewable development account under section 116C.779 to the biomass business compensation account established under subdivision 1. The transferred funds are appropriated for payment of eligible obligations under the biomass business compensation program established in section 116C.7793.

Subd. 3. **Repayment of funds transferred from the renewable development account.** The public utility subject to section 116C.779 shall petition the commission to approve a rate schedule that provides for the automatic adjustment of charges to recover payments awarded under a process provided for in section 116C.7793. The commission shall approve the rate schedule upon a showing that the recovery of investments, expenses and costs, and earnings on the investments continues to be less than the costs that would have been recovered from customers had the utility continued to purchase energy under the power purchase agreement under section 216B.2424, in effect before May 1, 2017. Beginning July 1, 2019, and continuing annually thereafter, the public utility subject

to section 116C.779 shall deposit an amount, not to exceed \$20,000,000 annually, into the renewable development account under section 116C.779, until total contributions equal the total compensation amount identified in subdivision 2.

Subd. 4. **Payment of expenses.** The chief administrative law judge shall certify to the commissioner of management and budget the total costs incurred for administering the biomass business compensation claims process during each fiscal year, in an amount less than or equal to \$200,000. The commissioner of management and budget shall transfer the amount of certified costs incurred for these activities from the renewable development account under section 116C.779 and deposit it to the administrative hearings account under section 14.54. Transfers may occur quarterly, based on quarterly cost and revenue reports, throughout the fiscal year, with final certification and reconciliation after each fiscal year.

Subd. 5. **Expiration.** This section expires the day following the final deposit to the renewable development account under section 116C.779, as required in subdivision 3.

EFFECTIVE DATE. This section is effective June 1, 2018."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Frentz moved to amend S.F. No. 3656 as follows:

Page 78, after line 18, insert:

"Sec. 2. Minnesota Statutes 2016, section 176.011, subdivision 15, is amended to read:

Subd. 15. **Occupational disease.** (a) "Occupational disease" means a mental impairment as defined in paragraph (d) or physical disease arising out of and in the course of employment peculiar to the occupation in which the employee is engaged and due to causes in excess of the hazards ordinary of employment and shall include undulant fever. Physical stimulus resulting in mental injury and mental stimulus resulting in physical injury shall remain compensable. Mental impairment is not considered a disease if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action taken in good faith by the employer. Ordinary diseases of life to which the general public is equally exposed outside of employment are not compensable, except where the diseases follow as an incident of an occupational disease, or where the exposure peculiar to the occupation makes the disease an occupational disease hazard. A disease arises out of the employment only if there be a direct causal connection between the conditions under which the work is performed and if the occupational disease follows as a natural incident of the work as a result of the exposure occasioned by the nature of the employment. An employer is not liable for compensation for any occupational disease which cannot be traced to the employment as a direct and proximate cause and is not recognized as a hazard characteristic of and peculiar to the trade, occupation, process, or employment or which results from a hazard to which the worker would have been equally exposed outside of the employment.

(b) If immediately preceding the date of disablement or death, an employee was employed on active duty with an organized fire or police department of any municipality, as a member of the Minnesota State Patrol, conservation officer service, state crime bureau, as a forest officer by the Department of Natural Resources, state correctional officer, or sheriff or full-time deputy sheriff of any county, and the disease is that of myocarditis, coronary sclerosis, pneumonia or its sequel, and at the time of employment such employee was given a thorough physical examination by a licensed doctor of medicine, and a written report thereof has been made and filed with such organized fire or police department, with the Minnesota State Patrol, conservation officer service, state crime bureau, Department of Natural Resources, Department of Corrections, or sheriff's department of any county, which examination and report negated any evidence of myocarditis, coronary sclerosis, pneumonia or its sequel, the disease is presumptively an occupational disease and shall be presumed to have been due to the nature of employment. If immediately preceding the date of disablement or death, any individual who by nature of their position provides emergency medical care, or an employee who was employed as a licensed police officer under section 626.84, subdivision 1; firefighter; paramedic; state correctional officer; emergency medical technician; or licensed nurse providing emergency medical care; and who contracts an infectious or communicable disease to which the employee was exposed in the course of employment outside of a hospital, then the disease is presumptively an occupational disease and shall be presumed to have been due to the nature of employment and the presumption may be rebutted by substantial factors brought by the employer or insurer. Any substantial factors which shall be used to rebut this presumption and which are known to the employer or insurer at the time of the denial of liability shall be communicated to the employee on the denial of liability.

(c) A firefighter on active duty with an organized fire department who is unable to perform duties in the department by reason of a disabling cancer of a type caused by exposure to heat, radiation, or a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and the carcinogen is reasonably linked to the disabling cancer, is presumed to have an occupational disease under paragraph (a). If a firefighter who enters the service after August 1, 1988, is examined by a physician prior to being hired and the examination discloses the existence of a cancer of a type described in this paragraph, the firefighter is not entitled to the presumption unless a subsequent medical determination is made that the firefighter no longer has the cancer.

(d) For the purposes of this chapter, "mental impairment" means a diagnosis of post-traumatic stress disorder by a licensed psychiatrist or psychologist. For the purposes of this chapter, "post-traumatic stress disorder" means the condition as described in the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association. For purposes of section 79.34, subdivision 2, one or more compensable mental impairment claims arising out of a single event or occurrence shall constitute a single loss occurrence.

(e) If, preceding the date of disablement or death, an employee who was employed (1) as a licensed police officer under section 626.84, subdivision 1; firefighter; paramedic; emergency medical technician; licensed nurse employed to provide out-of-hospital emergency medical services; or public safety dispatcher; (2) as a forest officer by the Department of Natural Resources; state correctional officer; sheriff or full-time deputy sheriff of any county; or (3) as a member of the Minnesota State Patrol; conservation officer service; or state crime bureau; is diagnosed with a mental impairment as defined in paragraph (d), and had not been diagnosed with the mental impairment previously, then the mental impairment is presumptively an occupational disease and shall be presumed to have been due to the nature of employment. The mental impairment is not

considered an occupational disease if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action taken in good faith by the employer."

Page 81, after line 33, insert:

"Sec. 7. **APPROPRIATION.**

\$163,000 is appropriated from the general fund to the commissioner of management and budget to reimburse state agencies for costs and expenses incurred pursuant to Minnesota Statutes, section 176.001, subdivision 15, paragraph (e). This is a onetime appropriation."

Page 361, line 11, delete "\$6,600,000" and insert "\$6,497,000"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	Wiklund
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

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

Senator Latz moved to amend S.F. No. 3656 as follows:

Page 48, line 21, after the period, insert "In awarding grants, the commissioner must give priority to projects that include broadband providers who commit to adhere to net neutrality principles."

The motion prevailed. So the amendment was adopted.

Senator Ruud moved to amend S.F. No. 3656 as follows:

Page 185, after line 19, insert:

"Sec. 106. **CHRONIC WASTING DISEASE TASK FORCE.**

Subdivision 1. **Creation; membership.** (a) The Chronic Wasting Disease Task Force consists of 22 members appointed as follows:

(1) the chairs and ranking minority members of the senate committees with jurisdiction over environment and natural resources policy and finance;

(2) the chair and ranking minority member of the house of representatives environment and natural resources policy and finance committee and two additional members of that committee selected by the chair of that committee, one from the majority party, and one from the minority party;

(3) the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over agriculture policy and finance;

(4) a representative from the Department of Natural Resources, the Department of Agriculture, and the Board of Animal Health; and

(5) a representative from the Minnesota Elk Breeders Association, Minnesota Deer Farmers Association, and the Minnesota Deer Hunters Association.

(b) The appointing authorities must make their respective appointments no later than July 15, 2018.

Subd. 2. **Chair; meetings.** (a) The chair of the task force alternates each meeting between the chair of the senate Environment and Natural Resources Policy Committee and the chair of the house of representatives Environment and Natural Resources Policy and Finance Committee. The senate chair shall chair the first meeting, which shall be no later than August 15, 2018.

(b) The task force shall meet upon the call of the chair.

Subd. 3. **Administrative support.** The Legislative Coordinating Commission shall provide administrative support and meeting space for the task force.

Subd. 4. **Duties.** The task force must study and provide recommendations on:

(1) whether and how recommendations included in the legislative auditor's Board of Animal Health's Oversight of Deer and Elk Farms report should be implemented;

(2) methods to improve the coordination and effectiveness of the Chronic Wasting Disease prevention and response activities of government agencies and other stakeholders; and

(3) whether it is possible to develop a method for detecting the presence of the disease in living cervids and what resources would be required to do so.

Subd. 5. **Report.** No later than January 15, 2019, the task force shall submit a report to the chairs of the house of representatives and senate committees with jurisdiction over environment and natural resources finance containing the findings of the task force.

Subd. 6. **Expiration.** The task force expires 45 days after the report and recommendations are delivered to the legislature or on June 30, 2019, whichever date is earlier.

Sec. 107. **BOARD OF ANIMAL HEALTH TASK FORCE.**

Subdivision 1. **Creation; membership.** (a) The Board of Animal Health Task Force consists of 25 members appointed as follows:

(1) the chairs and ranking minority members of the senate committees with jurisdiction over environment and natural resources policy and finance;

(2) the chair and ranking minority member of the house of representatives Environment and Natural Resources Policy and Finance Committee and two additional members of that committee selected by the chair of that committee, one from the majority party, and one from the minority party;

(3) the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over agriculture policy and finance;

(4) the commissioner of agriculture, or the commissioner's designee; and

(5) a representative from the Minnesota Elk Breeders Association, the Minnesota Deer Farmers Association, the Minnesota Deer Hunters Association, the Minnesota Pork Producers Association, the Minnesota Cattlemen's Association, the Minnesota Farmer's Union, the Minnesota Farm Bureau, and the Minnesota Turkey Growers Association.

(b) The appointing authorities must make their respective appointments no later than July 15, 2018.

Subd. 2. **Chair; meetings.** (a) The chair of the commission alternates each meeting between the chair of the senate Environment and Natural Resources Policy Committee and the chair of the house of representatives Environment and Natural Resources Policy and Finance Committee. The senate chair shall chair the first meeting, which shall be no later than August 15, 2018.

(b) The task force shall meet upon the call of the chair.

Subd. 3. **Administrative support.** The Legislative Coordinating Commission shall provide administrative support and meeting space for the task force.

Subd. 4. **Duties.** The task force must study and provide recommendations related to:

(1) the overall effectiveness of the board's execution of its statutory duties, including its duties to protect the health of Minnesota's domestic animals, manage domestic animal diseases, and enforce domestic animal-related laws;

(2) whether the structure, membership, and duties of the board are optimally designed to further the purposes for which the board was created and to serve the communities it is designed to serve; and

(3) whether and how recommendations included in the legislative auditor's Board of Animal Health's Oversight of Deer and Elk Farms report should be implemented.

Subd. 5. **Duty to cooperate.** Upon request, the Board of Animal Health shall provide the task force with any information requested by the task force in connection with the exercise of its duties. The Board of Animal Health may redact nonpublic information from the information prior to providing information under this subdivision.

Subd. 6. **Report.** No later than January 15, 2019, the task force shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over environment and natural resources finance containing the findings of the task force.

Subd. 7. **Expiration.** The task force expires 45 days after the report and recommendations are delivered to the legislature or on June 30, 2019, whichever date is earlier."

Page 190, line 11, delete "act" and insert "article"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Champion moved to amend S.F. No. 3656 as follows:

Page 118, delete section 5

Page 173, line 8, delete "1.5 percent" and insert "1.3 percent"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson, P.	Cwodzinski	Hayden	Little	Torres Ray
Bakk	Dibble	Hoffman	Lourey	Wiger
Bigham	Dziedzic	Isaacson	Marty	Wiklund
Carlson	Eaton	Kent	Newton	
Champion	Franzen	Klein	Pappas	
Clausen	Frentz	Laine	Rest	
Cohen	Hawj	Latz	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Housley	Koran	Newman
Anderson, B.	Eken	Ingebrigtsen	Lang	Osmek
Benson	Fischbach	Jasinski	Limmer	Pratt
Chamberlain	Gazelka	Jensen	Mathews	Relph
Dahms	Goggin	Johnson	Miller	Rosen
Draheim	Hall	Kiffmeyer	Nelson	Ruud

Senjem
Sparks

Tomassoni
Utke

Weber
Westrom

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

Senator Isaacson moved to amend S.F. No. 3656 as follows:

Page 142, after line 24, insert:

"Sec. 32. Minnesota Statutes 2016, section 97B.951, is amended to read:

**97B.951 PROHIBITING USE OF SNARES TO TAKE UNPROTECTED MAMMALS
WILD ANIMALS.**

A snare set ~~for an unprotected mammal~~ may not be ~~left in place after March 31~~ set to take wild animals except as authorized by the commissioner for the predator-control program under section 97B.671."

Page 185, line 21, delete everything after the first comma and insert "sections 97B.421 and 349A.16, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 38, as follows:

Those who voted in the affirmative were:

Abeler	Clausen	Franzen	Kent	Pappas
Anderson, P.	Cohen	Hawj	Klein	Rest
Bigham	Cwodzinski	Hayden	Laine	Torres Ray
Carlson	Dibble	Hoffman	Latz	Wiger
Chamberlain	Dziedzic	Housley	Marty	Wiklund
Champion	Eaton	Isaacson	Newton	

Those who voted in the negative were:

Anderson, B.	Frentz	Kiffmeyer	Nelson	Simonson
Bakk	Gazelka	Koran	Newman	Sparks
Benson	Goggin	Lang	Osmek	Tomassoni
Dahms	Hall	Limmer	Pratt	Utke
Draheim	Ingebrigtsen	Little	Relph	Weber
Eichorn	Jasinski	Lourey	Rosen	Westrom
Eken	Jensen	Mathews	Ruud	
Fischbach	Johnson	Miller	Senjem	

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

Senator Weber moved to amend S.F. No. 3656 as follows:

Page 174, after line 11, insert:

"Sec. 89. Minnesota Statutes 2016, section 473.149, subdivision 3, is amended to read:

Subd. 3. **Preparation; adoption; and revision.** (a) The solid waste policy plan shall be prepared, adopted, and revised as necessary in accordance with paragraphs (c) to (e), after consultation with the metropolitan counties.

(b) Revisions to the policy plan are exempt from the rulemaking provisions of chapter 14. Any goal, policy, criteria, or standard contained in the policy plan may not be required of or enforced against a county or private party and does not have the force and effect of law unless required by statute or adopted in accordance with chapter 14.

(c) Before beginning preparation of revisions to the policy plan, the commissioner shall publish a predrafting notice in the State Register that includes a statement of the subjects expected to be covered by the revisions, including a summary of the important problems and issues. The notice must solicit comments from the public and state that the comments must be received by the commissioner within 45 days of publication of the notice. The commissioner shall consider the comments in preparing the revisions.

(d) After publication of the predrafting notice and before adopting revisions to the policy plan, the commissioner shall publish a notice in the State Register that:

(1) contains a summary of the proposed revisions;

(2) invites public comment;

(3) lists locations where the proposed revised policy plan can be reviewed and states that copies of the proposed revised policy plan can also be obtained from the Pollution Control Agency;

(4) states a location for a public meeting on the revisions at a time no earlier than 30 days from the date of publication; and

(5) advises the public that they have 30 days from the date of the public meeting in clause (4) to submit comments on the revisions to the commissioner.

(e) At the meeting described in paragraph (d), clause (4), the public shall be given an opportunity to present their views on the policy plan revisions. The commissioner shall incorporate any amendments to the proposed revisions that, in the commissioner's view, will help to carry out the requirements of subdivisions 1, 2d, and 2e. At or before the time that policy plan revisions are finally adopted, the commissioner shall issue a report that addresses issues raised in the public comments. The report shall be made available to the public and mailed to interested persons who have submitted their names and addresses to the commissioner.

(f) The criteria and standards adopted in the policy plan for review of solid waste facility permits pursuant to section 473.823, subdivision 3; for issuance of certificates of need pursuant to section 473.823, subdivision 6; and for review of solid waste contracts pursuant to section 473.813 may be appealed to the Court of Appeals within 30 days after final adoption of the policy plan. The court may declare the challenged portion of the policy plan invalid if it violates constitutional provisions, is in excess of statutory authority of the commissioner, or was adopted without compliance with the procedures in this subdivision. The review shall be on the record created during the adoption of the policy plan, except that additional evidence may be included in the record if the court finds that the

additional evidence is material and there were good reasons for failure to present it in the proceedings described in paragraphs (c) to (e).

(g) The Metropolitan Council or a metropolitan county, local government unit, commission, or person shall not acquire, construct, improve or operate any solid waste facility in the metropolitan area except in accordance with the plan and section 473.823, provided that no solid waste facility in use when a plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such facilities."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Anderson, B.	Fischbach	Jensen	Nelson	Sparks
Anderson, P.	Frentz	Johnson	Newman	Tomassoni
Benson	Gazelka	Kiffmeyer	Osmek	Utke
Chamberlain	Goggin	Koran	Pratt	Weber
Dahms	Hall	Lang	Relph	Westrom
Draheim	Housley	Limmer	Rosen	
Eichorn	Ingebrigtsen	Mathews	Ruud	
Eken	Jasinski	Miller	Senjem	

Those who voted in the negative were:

Abeler	Cohen	Hawj	Laine	Pappas
Bakk	Cwodzinski	Hayden	Latz	Rest
Bigham	Dibble	Hoffman	Little	Simonson
Carlson	Dziedzic	Isaacson	Lourey	Torres Ray
Champion	Eaton	Kent	Marty	Wiger
Clausen	Franzen	Klein	Newton	Wiklund

The motion prevailed. So the amendment was adopted.

Senator Bigham moved to amend S.F. No. 3656 as follows:

Page 170, after line 22, insert:

"Sec. 80. Minnesota Statutes 2017 Supplement, section 116.07, subdivision 4d, is amended to read:

Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of developing, reviewing, and acting upon applications for agency permits and implementing and enforcing the conditions of the permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The fee schedule must reflect reasonable and routine direct and indirect costs associated with permitting, implementation, and enforcement. The agency may not impose a fee on a municipality for issuing a water-related variance. The agency may impose an additional enforcement fee to be collected for a period of up to two years to cover

the reasonable costs of implementing and enforcing the conditions of a permit under the rules of the agency. Any money collected under this paragraph shall be deposited in the environmental fund.

(b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner or operator of all stationary sources, emission facilities, emissions units, air contaminant treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage facilities subject to a notification, permit, or license requirement under this chapter, subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and indirect reasonable costs, including legal costs, required to develop and administer the notification, permit, or license program requirements of this chapter, subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon an application for a permit; implementing and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally applicable regulations; responding to federal guidance; modeling, analyses, and demonstrations; preparing inventories and tracking emissions; and providing information to the public about these activities.

(c) The agency shall set fees that:

(1) will result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national primary ambient air quality standard has been promulgated;

(2) may result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is regulated under this chapter or air quality rules adopted under this chapter; and

(3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount needed to match grant funds received by the state under United States Code, title 42, section 7405 (section 105 of the federal Clean Air Act).

The agency must not include in the calculation of the aggregate amount to be collected under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant from a source. The increase in air permit fees to match federal grant funds shall be a surcharge on existing fees. The commissioner may not collect the surcharge after the grant funds become unavailable. In addition, the commissioner shall use nonfee funds to the extent practical to match the grant funds so that the fee surcharge is minimized.

(d) To cover the reasonable costs described in paragraph (b), the agency shall provide in the rules promulgated under paragraph (c) for an increase in the fee collected in each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of the year the fee is collected exceeds the Consumer Price Index for the calendar year 1989. For purposes of this paragraph the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar

year. The revision of the Consumer Price Index that is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(e) Any money collected under paragraphs (b) to (d) must be deposited in the environmental fund and must be used solely for the activities listed in paragraph (b).

(f) Permit applicants who wish to construct, reconstruct, or modify a project may offer to reimburse the agency for the costs of staff time or consultant services needed to expedite the preapplication process and permit development process through the final decision on the permit, including the analysis of environmental review documents. The reimbursement shall be in addition to permit application fees imposed by law. When the agency determines that it needs additional resources to develop the permit application in an expedited manner, and that expediting the development is consistent with permitting program priorities, the agency may accept the reimbursement. The commissioner must give the applicant an estimate of costs to be incurred by the commissioner. The estimate must include a brief description of the tasks to be performed, a schedule for completing the tasks, and the estimated cost for each task. The applicant and the commissioner must enter into a written agreement detailing the estimated costs for the expedited permit decision-making process to be incurred by the agency. The agreement must also identify staff anticipated to be assigned to the project. The commissioner must not issue a permit until the applicant has paid all fees in full. The commissioner must refund any unobligated balance of fees paid. Reimbursements accepted by the agency are appropriated to the agency for the purpose of developing the permit or analyzing environmental review documents. Reimbursement by a permit applicant shall precede and not be contingent upon issuance of a permit; shall not affect the agency's decision on whether to issue or deny a permit, what conditions are included in a permit, or the application of state and federal statutes and rules governing permit determinations; and shall not affect final decisions regarding environmental review.

(g) The fees under this subdivision are exempt from section 16A.1285."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 7.4, Senator Rosen questioned whether the Biggam amendment was in order. The President ruled the amendment was not in order.

Senator Biggam 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 34 and nays 33, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

Those who voted in the negative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	Wiklund
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

So the decision of the President was sustained.

Senator Eaton moved to amend S.F. No. 3656 as follows:

Page 141, after line 13, insert:

"Sec. 30. Minnesota Statutes 2016, section 97B.001, is amended by adding a subdivision to read:

Subd. 9. Placing traps or snares on private land; written permission required. A person may not set or place a trap or snare on private property that is not subject to a requirement to be open to the public, other than property owned or occupied by the person, unless the person has the written permission of the owner, occupant, or lessee of the private property. This subdivision includes, but is not limited to, written permission to access private property from waters of the state when the trap or snare is placed or staked in the water."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Abeler	Cwodzinski	Hawj	Laine	Pratt
Benson	Dibble	Hayden	Latz	Rest
Bigham	Dziedzic	Hoffman	Little	Torres Ray
Carlson	Eaton	Housley	Marty	Wiger
Champion	Eken	Isaacson	Newton	Wiklund
Clausen	Franzen	Kent	Osmek	
Cohen	Frentz	Klein	Pappas	

Those who voted in the negative were:

Anderson, B.	Fischbach	Johnson	Miller	Simonson
Anderson, P.	Gazelka	Kiffmeyer	Nelson	Sparks
Bakk	Goggin	Koran	Newman	Tomassoni
Chamberlain	Hall	Lang	Relph	Utke
Dahms	Ingebrigtsen	Limmer	Rosen	Weber
Draheim	Jasinski	Lourey	Ruud	Westrom
Eichorn	Jensen	Mathews	Senjem	

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

Senator Fischbach moved to amend S.F. No. 3656 as follows:

Page 200, line 26, strike "Appropriations made to" and insert "Money in" and strike "do" and insert "is appropriated to the commissioner for purposes of this section, does not cancel, and is"

Page 200, line 27, strike everything before "available"

Page 200, line 31, strike "fund shall not" and insert "account is appropriated to the commissioner, does not cancel,"

Page 201, strike line 1

Page 201, line 2 strike "repayment fund"

Page 201, line 10, delete "The commissioner must use money from the account" and insert "Money in the account is appropriated to the commissioner"

Page 201, line 12, delete "fund" and insert "account"

Page 206, line 31, delete "The commissioner must use money from the account" and insert "Money in the account is appropriated to the commissioner to make grants and"

Page 207, line 2, delete "fund" and insert "account"

Page 207, line 29, strike "this appropriation" and insert "the amount transferred under this subdivision"

Page 207, line 30, strike "under this subdivision"

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend S.F. No. 3656 as follows:

Page 207, after line 2, insert:

"Sec. 27. Minnesota Statutes 2017 Supplement, section 298.2215, is amended to read:

298.2215 COUNTY SCHOLARSHIP PROGRAM ENDOWMENT ACCOUNT.

Subdivision 1. **Establishment Account established.** A county board of commissioners may establish ~~a scholarship fund from~~ an endowment account and may deposit into the account any unencumbered revenue received pursuant to section 298.018, 298.28, 298.39, 298.396, or 298.405 or any law imposing a tax upon severed mineral values. ~~Scholarships must be used at a two-year Minnesota State Colleges and Universities institution within the county. The county shall establish procedures for applying for and distributing the scholarships~~ The county board may deposit into the account private contributions, gifts, or grants. Any interest or profit accruing from the investment of these sums is credited to the account.

Subd. 1a. **Use of funds.** Income derived from the investment of the principal in the account must be used to provide scholarships to eligible applicants. Scholarships must be used at a two-year Minnesota State Colleges and Universities institution within the county. The county board shall establish procedures for applying for and distributing the scholarships.

Subd. 2. **Eligibility.** An applicant for a scholarship under this section must be a resident of the county at the time of the applicant's high school graduation. The county board may establish additional eligibility criteria.

Subd. 3. **Investment.** The county board may:

(1) deposit part or all of the endowment account funds as provided in chapter 118A; or

(2) enter into an agreement with the State Board of Investment to invest all or part of the endowment account funds in investments under section 11A.24, on behalf of the county.

Subd. 4. **Audits.** The account is subject to audit by the state auditor."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Clausen moved to amend S.F. No. 3656 as follows:

Page 210, after line 24, insert:

"Sec. 37. **PERFORMANCE MEASUREMENT STUDY.**

(a) The commissioner of the Office of Higher Education, in consultation with higher education segments and appropriate stakeholders, shall study and develop student success metrics by program for eligible postsecondary institutions participating in state aid programs under Minnesota Statutes, chapter 136A. The purpose of the metrics is to better inform students and their families of the degree to which institutions adopt policies and practices that promote affordability, timely student success, and highlight expected workforce outcomes. The commissioner must disaggregate the student success metrics by demographics, including race and ethnicity, in order to meet the state's goal of eliminating educational attainment disparities across all race groups under Minnesota Statutes, section 135A.012, subdivision 5. At a minimum, the metrics should allow for program and institutional performance comparisons with the performance of peer programs and institutions with similar missions and characteristics and address the following:

(1) student affordability;

(2) student success;

(3) elimination of racial disparities; and

(4) likelihood of employment and wages.

(b) No later than January 1, 2020, the commissioner shall submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over higher education policy and finance describing the results of the study, specifying the student success measures, and identifying data items for each performance measure. Thereafter, institutions participating in programs under Minnesota Statutes, sections 136A.121 and 136A.1701, are required to annually submit the

data items identified by the commissioner in the report in order for the commissioner to publish the metrics."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Newman moved to amend S.F. No. 3656 as follows:

Page 264, delete section 84

Page 265, delete section 86

Page 266, delete section 87

Page 267, delete section 89

Page 269, delete section 90

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Little moved to amend S.F. No. 3656 as follows:

Page 212, after line 7, insert:

"Sec. 2. Minnesota Statutes 2016, section 13.461, is amended by adding a subdivision to read:

Subd. 33. **Metropolitan Council special transportation service.** Data sharing between the commissioner of human services and the Metropolitan Council to administer and coordinate transportation services for individuals with disabilities and elderly individuals is governed by section 473.386, subdivision 9.

EFFECTIVE DATE. This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 3. Minnesota Statutes 2016, section 13.72, subdivision 10, is amended to read:

Subd. 10. **Transportation service data.** (a) Personal, medical, financial, familial, or locational information data pertaining to applicants for or users of services providing transportation for ~~the disabled~~ individuals with disabilities or elderly individuals are private data on individuals.

(b) Private transportation service data may be disclosed between the commissioner of human services and the Metropolitan Council to administer and coordinate human services programs and transportation services for individuals with disabilities and elderly individuals under section 473.386.

EFFECTIVE DATE. This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Page 270, after line 14, insert:

"Sec. 93. Minnesota Statutes 2016, section 473.386, subdivision 3, is amended to read:

Subd. 3. **Duties of council.** In implementing the special transportation service, the council shall:

(a) encourage participation in the service by public, private, and private nonprofit providers of special transportation currently receiving capital or operating assistance from a public agency;

(b) when feasible and cost-efficient, contract with public, private, and private nonprofit providers that have demonstrated their ability to effectively provide service at a reasonable cost;

(c) encourage individuals using special transportation to use the type of service most appropriate to their particular needs;

(d) encourage shared rides to the greatest extent practicable;

(e) encourage public agencies that provide transportation to eligible individuals as a component of human services and educational programs to coordinate with this service and to allow reimbursement for transportation provided through the service at rates that reflect the public cost of providing that transportation;

(f) establish criteria to be used in determining individual eligibility for special transportation services;

(g) consult with the Transportation Accessibility Advisory Committee in a timely manner before changes are made in the provision of special transportation services;

(h) provide for effective administration and enforcement of council policies and standards; and

(i) ensure that, taken as a whole including contracts with public, private, and private nonprofit providers, the geographic coverage area of the special transportation service is continuous within the boundaries of the transit taxing district, as defined as of March 1, 2006, in section 473.446, subdivision 2, and within the boundaries of any city that pays into the transit taxing district that is not included in section 473.446, subdivision 2.

EFFECTIVE DATE; APPLICATION. This section is effective July 1, 2019, and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 94. Minnesota Statutes 2016, section 473.386, is amended by adding a subdivision to read:

Subd. 9. Data practices. (a) For purposes of administering this section, and only with the consent of the data subject, the commissioner of human services and the Metropolitan Council may share the following private data on individuals eligible for special transportation services:

(1) name;

(2) date of birth;

(3) residential address; and

(4) program eligibility status with expiration date, to inform the other party of program eligibility.

(b) The commissioner of human services and the Metropolitan Council must provide notice regarding data sharing to each individual applying for or renewing eligibility to use special transportation services. The notice must seek consent to engage in data sharing under paragraph (a), and must state how and for what purposes the individual's private data will be shared between the commissioner of human services and the Metropolitan Council. A consent to engage in data sharing is effective until the individual's eligibility expires, but may be renewed if the individual applies to renew eligibility.

EFFECTIVE DATE; APPLICATION. This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. Within 60 days of this section's effective date, the commissioner of human services and the Metropolitan Council must provide notice regarding data sharing to each individual who is currently receiving special transportation services under Minnesota Statutes, section 473.386. The notice must provide an opportunity to opt out of data sharing under paragraph (a) of this section, and must state how and for what purposes the individual's private data will be shared between the commissioner of human services and the Metropolitan Council. An individual who is currently receiving special transportation services on this section's effective date is presumed to have consented to data sharing under paragraph (a) unless, within 60 days of the dissemination of the notice, the individual appropriately informs the commissioner of human services or the Metropolitan Council that the individual opts out of data sharing."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 7.4, Senator Newman questioned whether the Little amendment was in order. The President ruled the amendment was in order.

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

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

Those who voted in the affirmative were:

Bakk	Dibble	Hawj	Little	Sparks
Bigham	Dziedzic	Hayden	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hall	Latz	Simonson	

Those who voted in the negative were:

Abeler	Benson	Draheim	Gazelka	Housley
Anderson, B.	Chamberlain	Eichorn	Goggin	Ingebrigtsen
Anderson, P.	Dahms	Fischbach	Hoffman	Jasinski

Jensen
Johnson
Kiffmeyer
Koran

Lang
Limmer
Mathews
Miller

Nelson
Newman
Osmek
Pratt

Rolph
Rosen
Ruud
Senjem

Utke
Weber
Westrom

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

Senator Frentz moved to amend S.F. No. 3656 as follows:

Page 230, line 11, after "device" insert ", if the on-track equipment or rolling stock actuates grade crossing signals when signals are present"

The motion prevailed. So the amendment was adopted.

Senator Hoffman moved to amend S.F. No. 3656 as follows:

Page 278, line 21, delete "\$1,450,000" and insert "\$600,000"

Page 278, line 23, delete "\$950,000" and insert "\$100,000"

Page 284, after line 32, insert:

"Sec. 122. **APPROPRIATION; NORTHSTAR COMMUTER RAIL STUDY.**

\$850,000 in fiscal year 2019 is appropriated from the general fund to the commissioner of transportation to study and report on the extension of the Northstar Commuter Rail line from Big Lake to St. Cloud. This is a onetime appropriation."

Renumber the sections in sequence and correct the internal references

The motion prevailed. So the amendment was adopted.

Senator Cwodzinski moved to amend S.F. No. 3656 as follows:

Page 270, delete section 91

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Dibble moved to amend the Cwodzinski amendment to S.F. No. 3656 as follows:

Page 1, after line 2, insert:

"Page 270, after line 14, insert:

"Sec. 91. Minnesota Statutes 2016, section 473.3994, is amended by adding a subdivision to read:

Subd. 15. **Project development requirements; colocation.** The council must establish light rail transit project development standards and criteria for colocation of freight rail and light rail

transit on shared track or on adjacent track in a joint or shared use rail corridor. The standards and criteria must:

- (1) specify project design elements to address safety considerations resulting from colocation;
- (2) identify project costs resulting from colocation safety considerations;
- (3) provide for emergency response training of fire department and emergency management personnel with jurisdiction over the colocation corridor to prepare to respond to collisions, derailments, or spills creating environmental hazards and threats to public safety and public and private property;
- (4) coordinate emergency response plans and activities between freight rail carriers and local responders in the colocation corridor;
- (5) adopt a process for the railroad to report to emergency managers and fire department personnel concerning planned train routes, schedule, and cargo transported through the colocation corridor;
- (6) require all freight rail carriers operating in the colocation corridor to furnish proof of the railroad's financial ability to pay for damages that may arise in connection with freight rail operations within the colocation corridor, provided that damages under this clause must account for a worst case discharge, as defined in section 115E.01, subdivision 13, including property damage from a catastrophic incident involving fire or explosions, personal injury, deaths, environmental response and mitigation costs, and other liabilities;
- (7) limit freight operation in the colocation corridor to nonpeak light rail transit operating hours;
- (8) prohibit, as agreed to by all rail carriers utilizing the colocation corridor, the transportation of oil and other hazardous substances, as those terms are defined in section 115E.01, subdivisions 6 and 8, and including ethanol;
- (9) set a maximum freight train speed of ten miles per hour for operations in the colocation corridor;
- (10) require the Metropolitan Council to adopt and implement measures to reduce the risk of interaction between electrical sparks and freight cargo; and
- (11) for adjacent track in a joint or shared use rail corridor, ensure sufficient track spacing separation to minimize the likelihood of impacts on track operations due to a train derailment on the adjacent track.

EFFECTIVE DATE; APPLICATION. This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

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

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

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

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

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

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

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

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

Senator Kent moved to amend S.F. No. 3656 as follows:

Page 281, line 13, delete "\$1,450,000" and insert "\$500,000" and after "appropriated" insert "from the trunk highway fund"

Page 281, line 15, delete "Of this appropriation, \$950,000 is"

Page 281, line 16, delete everything before "At"

Page 284, delete lines 2 to 13 and insert:

"Subdivision 1. Appropriations. \$13,550,000 in fiscal year 2019 is appropriated from the general fund to the commissioner of public safety for continued development, improvement,

operations, and deployment of MNLARS. The base for this appropriation is \$1,400,000 in fiscal year 2020 and \$0 in fiscal year 2021. The planning estimate in fiscal year 2020 may only be used for a FAST Enterprise contract payment relating to the driver licensing system."

Page 284, delete subdivision 3

Senator Newman moved to amend the Kent amendment to S.F. No. 3656 as follows:

Page 1, after line 1, insert:

"Page 274, after line 5, insert:

"Sec. 96. Laws 2017, First Special Session chapter 3, article 1, section 3, is amended to read:

Sec. 3. METROPOLITAN COUNCIL	\$	121,031,000	\$	129,820,000 <u>127,920,000</u>
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This appropriation is from the general fund for transit system operations under Minnesota Statutes, sections 473.371 to 473.449.

\$1,000,000 in the first year is for financial assistance to replacement service providers under Minnesota Statutes, section 473.388, for the purposes of the suburb-to-suburb transit demonstration project authorized under Laws 2015, chapter 75, article 1, section 4. The council must not retain any portion of the funds under this appropriation. This is a onetime appropriation.

Up to \$211,000 in the first year is for the comprehensive transit finance report under Minnesota Statutes, section 174.93. This is a onetime appropriation and is available in the second year.

The base is \$89,820,000 in fiscal year 2020 and \$89,820,000 in fiscal year 2021."

Page 1, delete lines 2 to 13

Page 284, after line 32, insert:

"Sec. 123. **APPROPRIATION; PUBLIC INFORMATION CENTER.**

\$1,900,000 in fiscal year 2019 is appropriated from the general fund to the commissioner of public safety to support the Driver and Vehicle Services Public Information Center. This is a onetime appropriation."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the Newman amendment to the Kent amendment.

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

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

Those who voted in the negative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

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

Senator Kent withdrew her amendment.

Senator Dibble moved to amend S.F. No. 3656 as follows:

Page 243, after line 4, insert:

"Sec. 51. [219.752] MINIMUM CREW SIZE.

No Class I or Class II railroad shall operate a railroad train or locomotive in connection with the movement of freight or passengers in Minnesota without a crew composed of a minimum of two individuals. This section does not apply to hostling and helper operations, remote control locomotives in yards, and as otherwise provided by Code of Federal Regulations, title 49, part 218, subpart B. A railroad that violates this section is guilty of a misdemeanor and must pay a fine of at least \$250 for a first-time violation of this section or \$1,000 for each subsequent violation, in addition to any other sanctions authorized by law.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Latz	Simonson
Bigham	Dziedzic	Hoffman	Little	Sparks
Carlson	Eaton	Ingebrigtsen	Lourey	Tomassoni
Champion	Eken	Isaacson	Marty	Torres Ray
Clausen	Franzen	Kent	Newton	Wiger
Cohen	Frentz	Klein	Pappas	
Cwodzinski	Hawj	Laine	Rest	

Those who voted in the negative were:

Abeler	Eichorn	Jensen	Miller	Ruud
Anderson, B.	Fischbach	Johnson	Nelson	Senjem
Anderson, P.	Gazelka	Kiffmeyer	Newman	Utke
Benson	Goggin	Koran	Osmeck	Weber
Chamberlain	Hall	Lang	Pratt	Westrom
Dahms	Housley	Limmer	Relph	
Draheim	Jasinski	Mathews	Rosen	

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

Senator Hall moved to amend S.F. No. 3656 as follows:

Page 240, after line 14, insert:

"Sec. 47. Minnesota Statutes 2016, section 169.92, subdivision 4, is amended to read:

Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court, or from the driver licensing authority of a state, district, territory, or possession of the United States or a province of a foreign country which has an agreement in effect with this state pursuant to section 169.91, that a resident of this state or a person licensed as a driver in this state did not appear in court in compliance with the terms of a citation, the commissioner of public safety shall notify the driver that the driver's license will be suspended unless the commissioner receives notice within 30 days that the driver has appeared in the appropriate court ~~or, if the offense is a petty misdemeanor for which a guilty plea was entered under section 609.491, that the person has paid any fine imposed by the court.~~ If the commissioner does not receive notice of the appearance in the appropriate court ~~or payment of the fine~~ within 30 days of the date of the commissioner's notice to the driver, the commissioner may suspend the driver's license, subject to the notice requirements of section 171.18, subdivision 2. Notwithstanding the requirements in this section, the commissioner is prohibited from suspending the driver's license of a person based solely on the fact that the person did not appear in court in compliance with the terms of a citation for a petty misdemeanor or for a violation of section 171.24, subdivision 1.

(b) The order of suspension shall indicate the reason for the order and shall notify the driver that the driver's license shall remain suspended until the driver has furnished evidence, satisfactory to the commissioner, of compliance with any order entered by the court.

(c) Suspension shall be ordered under this subdivision only when the report clearly identifies the person arrested; describes the violation, specifying the section of the traffic law, ordinance or rule violated; indicates the location and date of the offense; and describes the vehicle involved and its registration number."

Page 241, after line 17, insert:

"Sec. 49. Minnesota Statutes 2016, section 171.041, is amended to read:

171.041 RESTRICTED LICENSE FOR FARM WORK.

(a) Notwithstanding any provisions of section 171.04 relating to the age of an applicant to the contrary, the commissioner may issue a restricted farm work license to operate a motor vehicle to a person who has attained the age of 15 years and who, except for age, is qualified to hold a driver's license. The applicant is not required to comply with the six-month instruction permit possession provisions of sections 171.04, subdivision 1, clause (2), and 171.05, subdivision 2a, or with the 12-month provisional license possession provision of section 171.04, subdivision 1, clause (1), item (i).

(b) The restricted license ~~shall~~ must be issued solely for the purpose of authorizing the person to whom the restricted license is issued to assist the person's parents or guardians with farm work. An individual may perform farm work under the restricted license for any entity authorized to farm under section 500.24. A person holding this restricted license may operate a motor vehicle only during daylight hours and only within a radius of ~~20~~ 40 miles of the parent's or guardian's farmhouse; however, in no case may a person holding the restricted license operate a motor vehicle in a city of the first class.

(c) An applicant for a restricted license shall apply to the commissioner for the license on forms prescribed by the commissioner. The application shall be accompanied by:

(1) a copy of a property tax statement showing that the applicant's parent or guardian owns land that is classified as agricultural land or a copy of a rental statement or agreement showing that the applicant's parent or guardian rents land classified as agricultural land; and

(2) a written verified statement by the applicant's parent or guardian setting forth the necessity for the license.

EFFECTIVE DATE. This section is effective June 1, 2018.

Sec. 50. Minnesota Statutes 2017 Supplement, section 171.06, subdivision 2, is amended to read:

Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are as follows:

REAL ID Compliant or Noncompliant Classified Driver's License	D-\$17.25	C-\$21.25	B-\$28.25	A-\$36.25
REAL ID Compliant or Noncompliant Classified Under-21 D.L.	D-\$17.25	C-\$21.25	B-\$28.25	A-\$16.25
Enhanced Driver's License	D-\$32.25	C-\$36.25	B-\$43.25	A-\$51.25
REAL ID Compliant or Noncompliant Instruction Permit				\$5.25

Enhanced Instruction Permit	\$20.25
Commercial Learner's Permit	\$2.50
REAL ID Compliant or Noncompliant Provisional License	\$8.25
Enhanced Provisional License	\$23.25
Duplicate REAL ID Compliant or Noncompliant License or duplicate REAL ID Compliant or Noncompliant identification card	\$6.75
Enhanced Duplicate License or enhanced duplicate identification card	\$21.75
REAL ID Compliant or Noncompliant Minnesota identification card or REAL ID Compliant or Noncompliant Under-21 Minnesota identification card, other than duplicate, except as otherwise provided in section 171.07, subdivisions 3 and 3a	\$11.25
Enhanced Minnesota identification card	\$26.25

~~In addition to each fee required in this paragraph, the commissioner shall collect a surcharge of: (1) \$1.75 until June 30, 2012; and (2) \$1.00 from July 1, 2012, to June 30, 2016. Surecharges collected under this paragraph must be credited to the driver and vehicle services technology account in the special revenue fund under section 299A.705.~~

(b) Notwithstanding paragraph (a), an individual who holds a provisional license and has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33, 169A.35, sections 169A.50 to 169A.53, or section 171.177, (2) convictions for crash-related moving violations, and (3) convictions for moving violations that are not crash related, shall have a \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation" has the meaning given it in section 171.04, subdivision 1.

(c) In addition to the driver's license fee required under paragraph (a), the commissioner shall collect an additional \$4 processing fee from each new applicant or individual renewing a license with a school bus endorsement to cover the costs for processing an applicant's initial and biennial physical examination certificate. The department shall not charge these applicants any other fee to receive or renew the endorsement.

(d) In addition to the fee required under paragraph (a), a driver's license agent may charge and retain a filing fee as provided under section 171.061, subdivision 4.

(e) In addition to the fee required under paragraph (a), the commissioner shall charge a filing fee at the same amount as a driver's license agent under section 171.061, subdivision 4. Revenue collected under this paragraph must be deposited in the driver services operating account.

(f) An application for a Minnesota identification card, instruction permit, provisional license, or driver's license, including an application for renewal, must contain a provision that allows the applicant to add to the fee under paragraph (a), a \$2 donation for the purposes of public information and education on anatomical gifts under section 171.075.

Sec. 51. Minnesota Statutes 2016, section 171.16, subdivision 2, is amended to read:

Subd. 2. **Commissioner shall suspend.** (a) The court may recommend the suspension of the driver's license of the person so convicted, and the commissioner shall suspend such license as recommended by the court, without a hearing ~~as provided herein~~.

(b) The commissioner is prohibited from suspending a person's driver's license if the person was convicted only under section 171.24, subdivision 1 or 2.

Sec. 52. Minnesota Statutes 2016, section 171.16, subdivision 3, is amended to read:

Subd. 3. ~~**Suspension for Failure to pay fine.** When any court reports to~~ The commissioner must not suspend a person's driver's license based solely on the fact that a person: (1) has been convicted of violating a law of this state or an ordinance of a political subdivision which regulates the operation or parking of motor vehicles, (2) has been sentenced to the payment of a fine or had a surcharge levied against that person, or sentenced to a fine upon which a surcharge was levied, and (3) has refused or failed to comply with that sentence or to pay the surcharge, ~~notwithstanding the fact that the court has determined that the person has the ability to pay the fine or surcharge, the commissioner shall suspend the driver's license of such person for 30 days for a refusal or failure to pay or until notified by the court that the fine or surcharge, or both if a fine and surcharge were not paid, has been paid.~~

Sec. 53. Minnesota Statutes 2016, section 171.18, subdivision 1, is amended to read:

Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) has committed an offense for which mandatory revocation of license is required upon conviction;

(2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;

(3) is an habitually reckless or negligent driver of a motor vehicle;

(4) is an habitual violator of the traffic laws;

(5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

(6) has permitted an unlawful or fraudulent use of the license;

(7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;

(8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within five years of a prior conviction under that section;

(9) has committed a violation of section 171.22, except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;

(10) has failed to appear in court as provided in section 169.92, subdivision 4;

(11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges;

(12) has been found to have committed an offense under section 169A.33; or

(13) has paid or attempted to pay a fee required under this chapter for a license or permit by means of a dishonored check issued to the state or a driver's license agent, which must be continued until the registrar determines or is informed by the agent that the dishonored check has been paid in full.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

(b) The commissioner may suspend the license of a driver when any court reports to the commissioner that a driver has four unpaid parking tickets within a 12-month period or five unpaid parking tickets within a 24-month period.

~~(b) (c) The commissioner may not suspend~~ is prohibited from suspending the driver's license of an individual under paragraph (a) who was convicted of a violation of section 171.24, subdivision 1, ~~whose license was under suspension at the time solely because of the individual's failure to appear in court or failure to pay a fine or 2."~~

Page 282, after line 10, insert:

"Sec. 122. **RETROACTIVE DRIVER'S LICENSE REINSTATEMENT.**

(a) The commissioner of public safety must make an individual's driver's license eligible for reinstatement if the license is solely suspended pursuant to:

(1) Minnesota Statutes 2016, section 171.16, subdivision 2, if the person was convicted only under Minnesota Statutes, section 171.24, subdivision 1 or 2;

(2) Minnesota Statutes 2016, section 171.16, subdivision 3; or

(3) both clauses (1) and (2).

(b) By May 1, 2019, the commissioner must provide written notice to an individual whose license has been made eligible for reinstatement under paragraph (a), addressed to the licensee at the licensee's last known address.

(c) Before the license is reinstated, an individual whose driver's license is eligible for reinstatement under paragraph (a) must pay the reinstatement fee under Minnesota Statutes, section 171.20, subdivision 4.

(d) The following applies for an individual who is eligible for reinstatement under paragraph (a), clause (1), (2), or (3), and whose license was suspended, revoked, or canceled under any other provision in Minnesota Statutes:

(1) the suspension, revocation, or cancellation under any other provision in Minnesota Statutes remains in effect;

(2) subject to clause (1), the individual may become eligible for reinstatement under paragraph (a), clause (1), (2), or (3); and

(3) the commissioner is not required to send the notice described in paragraph (b).

(e) Paragraph (a) applies notwithstanding Minnesota Statutes 2016, sections 169.92, subdivision 4; 171.16, subdivision 2 or 3; or any other law to the contrary.

EFFECTIVE DATE. This section is effective April 1, 2019."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hall moved to amend S.F. No. 3656 as follows:

Page 278, after line 7, insert:

"Sec. 101. **ENGINE BRAKES; REGULATION BY BURNSVILLE.**

Notwithstanding any other law or ordinance, the governing body of the city of Burnsville may by ordinance restrict or prohibit the use of an engine brake on motor vehicles along Legislative Route No. 117, also known as marked Trunk Highway 13, between Nicollet Avenue and Portland Avenue. Upon notification by the city of Burnsville to the commissioner of transportation of the city's adoption of the ordinance, the commissioner of transportation shall erect the appropriate signs, with the cost of the signs to be paid by the city. For purposes of this section, "engine brake" means any device that uses the engine and transmission to impede the forward motion of the motor vehicle by compression of the engine.

EFFECTIVE DATE. This section is effective June 1, 2018."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Dziedzic moved to amend S.F. No. 3656 as follows:

Page 333, line 6, delete "471A.091" and insert "474A.091"

The motion prevailed. So the amendment was adopted.

Senator Dibble moved to amend S.F. No. 3656 as follows:

Page 308, after line 22, insert:

"Sec. 8. Minnesota Statutes 2016, section 462A.05, subdivision 14b, is amended to read:

Subd. 14b. **Energy conservation loans.** It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participating in the making, of loans to persons and families, without limitations relating to the maximum incomes of the borrowers, to assist in energy conservation rehabilitation measures for existing housing owned by those persons or families including, but not limited to: weatherstripping and caulking;₂ chimney construction or improvement;₂ furnace or space heater repair, cleaning,₂ or replacement;₂ central air conditioner repair, maintenance, or replacement; air source or geothermal heat pump repair, maintenance, or replacement; insulation, ~~storm~~ windows and doors;₂ and structural or other directly related repairs essential for energy conservation. Loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions. Loans under this subdivision or subdivision 14 may:

(1) be integrated with a utility's on-bill repayment program approved under section 216B.241, subdivision 5d; and

(2) also be made for the installation of on-site solar energy or energy storage systems."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend S.F. No. 3656 as follows:

Page 361, after line 26, insert:

"Sec. 25. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall make necessary cross-reference changes in Minnesota Statutes and Minnesota Rules resulting from the amendments to Minnesota Statutes, sections 609.2112, subdivision 1, and 609.2114, subdivision 1, in Laws 2016, chapter 109."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Latz moved to amend S.F. No. 3656 as follows:

Page 355, after line 22, insert:

"Sec. 14. [609.6611] PRIVATE PARTY TRANSFER; BACKGROUND CHECK REQUIRED.

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

(b) "Firearms dealer" means a person who is federally licensed to sell firearms from any location.

(c) "State or federally issued identification" means a document or card made or issued by or under the authority of the United States government or the state that contains the person's name, residence address, date of birth, and photograph and is of a type commonly accepted for the purpose of identification of individuals.

(d) "Relative" means a spouse, parent, stepparent, child, stepchild, brother, sister, aunt, uncle, grandparent, or grandchild by blood or marriage.

Subd. 2. **Background check and evidence of identity.** A person who is not a firearms dealer is prohibited from transferring a pistol or semiautomatic military-style assault weapon to any other person who is not a firearms dealer, unless the transferee presents a valid state permit to carry issued under section 624.714 or a valid transferee permit issued under section 624.7131, and a current state or federally issued identification.

Subd. 3. **Record of the transfer; bill of sale; required information.** (a) When two parties complete the transfer of a pistol or semiautomatic military-style assault weapon under subdivision 2, the transferor and transferee must complete a bill of sale on a form designed and made publicly available without fee for this purpose by the superintendent of the bureau of criminal apprehension. Each page of the bill of sale must be signed and dated by the transferor and the transferee, and contain the serial number of the pistol or semiautomatic military-style assault weapon.

(b) The bill of sale must contain the following information:

(1) a clear photocopy of each person's current state or federally issued identification;

(2) a clear photocopy of the transferee's permit to carry or transferee permit; and

(3) a signed statement by the transferee swearing that the transferee is not currently prohibited by state or federal law from possessing a pistol or semiautomatic military-style assault weapon.

(c) The bill of sale must also contain the following information regarding the transferred pistol or semiautomatic military-style assault weapon:

(1) the type of pistol or semiautomatic military-style assault weapon;

(2) the manufacturer, make, and model of the pistol or semiautomatic military-style assault weapon; and

(3) the pistol's or semiautomatic military-style assault weapon's manufacturer-assigned serial number.

(d) Both the transferor and the transferee must retain a copy of the bill of sale and any attachments to the bill of sale.

Subd. 4. **Compulsory production of a bill of sale; gross misdemeanor penalty.** (a) The transferor and transferee of a pistol or semiautomatic military-style assault weapon transferred under this section must produce the bill of sale when served with a judicial subpoena or other court order that identifies the transferred pistol or semiautomatic military-style assault weapon and is issued in furtherance of a criminal investigation or case.

(b) A person who refuses or is unable to produce a bill of sale for a pistol or semiautomatic military-style assault weapon transferred under this section in response to subpoena or other court order issued pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for violation of this subdivision is not a bar to conviction of or punishment for any other crime committed involving the transferred pistol or semiautomatic military-style assault weapon.

Subd. 5. **Affirmative defense.** It is an affirmative defense to a charge of providing an ineligible person a pistol or semiautomatic military-style assault weapon if the defendant presents a bill of sale that satisfies the requirements of subdivision 3.

Subd. 6. **Limitation on government access to records.** A government official may not compel a person to produce a bill of sale created pursuant to this section other than as described in subdivision 4, paragraph (a).

Subd. 7. **Exclusions.** This section shall not apply to the following transfers:

(1) transfers by or to a firearms dealer;

(2) a transfer to a relative who is not ineligible to possess a pistol or semiautomatic military-style assault weapon under state or federal law;

(3) a loan to a prospective transferee if the loan is intended for a period of no more than four hours and the transferee presents the transferor with a valid state transferee permit or state permit to carry;

(4) the delivery of a pistol or semiautomatic military-style assault weapon to a person for the purpose of repair, reconditioning or remodeling;

(5) a loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(6) a loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(7) a loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(8) a loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol or semiautomatic military-style assault weapon by reason of employment and is the holder of a valid permit to carry.

Subd. 8. **Penalty.** A transferor or transferee who engages in the transfer of a pistol or semiautomatic military-style assault weapon in violation of this section is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Limmer questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Latz 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 36 and nays 30, as follows:

Those who voted in the affirmative were:

Abeler	Eken	Jensen	Nelson	Sparks
Anderson, B.	Fischbach	Johnson	Newman	Utke
Anderson, P.	Gazelka	Kiffmeyer	Osmek	Weber
Benson	Goggin	Koran	Pratt	Westrom
Chamberlain	Hall	Lang	Relph	
Dahms	Housley	Limmer	Rosen	
Draheim	Ingebrigtsen	Mathews	Ruud	
Eichorn	Jasinski	Miller	Senjem	

Those who voted in the negative were:

Bakk	Cwodzinski	Hawj	Laine	Pappas
Bigham	Dibble	Hayden	Latz	Rest
Carlson	Dziedzic	Hoffman	Little	Simonson
Champion	Eaton	Isaacson	Lourey	Tomassoni
Clausen	Franzen	Kent	Marty	Torres Ray
Cohen	Frentz	Klein	Newton	Wiger

So the decision of the President was sustained.

Senator Latz moved to amend S.F. No. 3656 as follows:

Page 361, after line 26, insert:

"ARTICLE 22**EXTREME RISK PROTECTION ORDERS**

Section 1. Minnesota Statutes 2016, section 624.713, subdivision 1, is amended to read:

Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause (1), any other firearm:

(1) a person under the age of 18 years except that a person under 18 may possess ammunition designed for use in a firearm that the person may lawfully possess and may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial determination that the person is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other such violation of chapter 152 or a similar law of another state; or a person who is or has ever been committed by a judicial determination for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(5) a person who has been committed to a treatment facility in Minnesota or elsewhere by a judicial determination that the person is chemically dependent as defined in section 253B.02, unless the person has completed treatment or the person's ability to possess a firearm and ammunition has been restored under subdivision 4. Property rights may not be abated but access may be restricted by the courts;

(6) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment

facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(7) a person, including a person under the jurisdiction of the juvenile court, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed;

(8) except as otherwise provided in clause (9), a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member or section 609.2242, subdivision 3, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242, subdivision 3, or a similar law of another state;

(9) a person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm or ammunition for the period determined by the sentencing court;

(10) a person who:

(i) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;

(iii) is an unlawful user of any controlled substance as defined in chapter 152;

(iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02;

(v) is an alien who is illegally or unlawfully in the United States;

(vi) has been discharged from the armed forces of the United States under dishonorable conditions;

(vii) has renounced the person's citizenship having been a citizen of the United States; or

(viii) is disqualified from possessing a firearm under United States Code, title 18, section 922(g)(8) or (9), as amended through March 1, 2014;

(11) a person who has been convicted of the following offenses at the gross misdemeanor level, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of these sections: section 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71 (riot); or 609.749 (stalking). For purposes

of this paragraph, the specified gross misdemeanor convictions include crimes committed in other states or jurisdictions which would have been gross misdemeanors if conviction occurred in this state;

(12) a person who has been convicted of a violation of section 609.224 if the court determined that the assault was against a family or household member in accordance with section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of another violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~

(13) a person who is subject to an order for protection as described in section 260C.201, subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

(14) a person who is subject to an extreme risk protection order as described in section 624.7162 or 624.7164.

A person who issues a certificate pursuant to this section in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm or ammunition committed by the individual who is the subject of the certificate.

The prohibition in this subdivision relating to the possession of firearms other than pistols and semiautomatic military-style assault weapons does not apply retroactively to persons who are prohibited from possessing a pistol or semiautomatic military-style assault weapon under this subdivision before August 1, 1994.

The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause (2), applies only to offenders who are discharged from sentence or court supervision for a crime of violence on or after August 1, 1993.

For purposes of this section, "judicial determination" means a court proceeding pursuant to sections 253B.07 to 253B.09 or a comparable law from another state.

Sec. 2. Minnesota Statutes 2016, section 624.7144, is amended to read:

624.7144 ALLOWING AN INELIGIBLE PERSON ACCESS TO FIREARMS.

A person who accepts a transferred firearm from an abusing party or offender pursuant to section 260C.201, subdivision 3; 518B.01, subdivision 6; 609.2242, subdivision 3; or 609.749, subdivision 8, or from an extreme risk protection order respondent subject to a transfer order under section 624.7165, is guilty of a gross misdemeanor if the abusing party ~~or~~ offender, or respondent obtains possession of the transferred firearm while the person is prohibited from possessing firearms. It is an affirmative defense to a violation of this section that the third party who accepted the transferred firearm exercised due care to ensure that the ~~abusing party or offender~~ person could not access the firearm. The third party shall not return the firearm to the ~~abusing party or offender~~ person until the prohibiting time period imposed under section 260C.201, subdivision 3; 518B.01, subdivision 6; 609.2242, subdivision 3; or 609.749, subdivision 8, has expired or the extreme risk protection order has expired, and the ~~abusing party or offender~~ person presents a current, valid transferee permit or passes a federal background check through the National Instant Criminal Background Check System.

The third party may rely on a court order describing the length of the prohibiting time period as conclusive evidence that the prohibiting time period has expired, unless otherwise notified by the court.

Sec. 3. **624.7161] EXTREME RISK PROTECTION ORDERS.**

Subdivision 1. **Definition.** As used in sections 624.7161 to 624.7168, the term "local law enforcement agency" means the organized full-time police department of the municipality in which the respondent resides or the county sheriff if there is no local police department.

Subd. 2. **Court jurisdiction.** An application for relief under this section may be filed in the county of residence of the respondent. Actions under this section shall be given docket priorities by the court.

Subd. 3. **Generally.** (a) There shall exist an action known as a petition for an extreme risk protection order for protection from gun violence, which order shall enjoin and prohibit the respondent from possessing firearms for a fixed period.

(b) A petition for relief under sections 624.7161 to 624.7168 may be made by the chief law enforcement officer of the local law enforcement agency, or a designee.

(c) A petition for relief shall allege that the respondent poses a significant danger of bodily harm to self or to other persons by possessing a firearm, and shall allege that less restrictive alternatives are inadequate or inappropriate to the circumstances. The petition shall be accompanied by an affidavit made under oath stating specific facts and circumstances forming a basis to allege that an extreme risk protection order should be granted.

(d) A petition for emergency relief under section 624.7164 shall additionally allege that the respondent presents an immediate and present danger of bodily injury.

(e) A petition for relief must state whether there is an existing order in effect under sections 624.7161 to 624.7168, or chapter 260C or 518B governing the respondent and whether there is a pending lawsuit, complaint, petition, or other action under sections 624.7161 to 624.7168, or chapter 257, 518, 518A, 518B, or 518C, involving the respondent. The court administrator shall verify the terms of any existing order involving the respondent. The court may not delay granting relief because of the existence of a pending action involving the respondent or the necessity of verifying the terms of an existing order. A petition for relief may be granted whether or not there is a pending action involving the respondent.

(f) Where the sole evidence to support the issuance of an extreme risk protection order would also allow for the issuance of an order under chapter 518B, the petitioner must obtain the consent of the victim of domestic abuse to petition.

(g) A petition for relief must describe, to the best of the petitioner's knowledge, the types and location of any firearms believed by the petitioner to be possessed by the respondent.

(h) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

(i) The state court administrator shall create all forms necessary under sections 624.7161 to 624.7168.

(j) The court shall advise the petitioner of the right to serve the respondent by alternate notice under section 624.7162, subdivision 1, paragraph (e), if the respondent is avoiding personal service by concealment or otherwise, and shall assist in the writing and filing of the affidavit.

(k) The court shall advise the petitioner of the right to request a hearing under section 624.7164, paragraph (b). If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing.

(l) An extreme risk protection order issued under sections 624.7161 to 624.7168 applies throughout the state.

(m) Any proceeding under sections 624.7161 to 624.7168 shall be in addition to other civil or criminal remedies.

(n) All health records and other health information provided in a petition or considered as evidence in a proceeding under sections 624.7161 to 624.7168 shall be protected from public disclosure but may be provided to law enforcement agencies as described in this section.

(o) Any extreme risk protection order or subsequent extension issued under sections 624.7161 to 624.7168 shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the respondent. The local law enforcement agency shall make available to other law enforcement officers, through a system for verification, information as to the existence and status of any extreme risk protection order issued under sections 624.7161 to 624.7168.

Sec. 4. [624.7162] EXTREME RISK PROTECTION ORDERS ISSUED AFTER HEARING.

Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the court shall order a hearing which shall be held not later than 14 days from the date of the order for hearing.

(b) The court shall advise the petitioner of the right to request an emergency extreme risk protection order under section 624.7164 separately from or simultaneously with the petition under this subdivision.

(c) The petitioner shall be responsible for service of an extreme risk protection order issued by the court and shall further be responsible for the execution of any legal process required for the seizure and storage of guns subject to the order. Nothing in this provision limits the ability of the local law enforcement agency cooperating with other law enforcement entities.

(d) Personal service of notice for the hearing may be made upon the respondent at any time up to 12 hours prior to the time set for the hearing, provided that the respondent at the hearing may request a continuance of up to five days if the respondent is served less than five days prior to the hearing, which continuance shall be granted unless there are compelling reasons not to do so. If the court grants the requested continuance, and an existing emergency order under section 624.7164

will expire due to the continuance, the court shall also issue a written order continuing the emergency order pending the new time set for the hearing.

(e) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons. The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent. The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.

Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by a preponderance of the evidence that:

(1) the respondent poses a significant danger of bodily injury to self or other persons by possessing a firearm; and

(2) less restrictive alternatives are inadequate or inappropriate to the circumstances.

(b) In determining whether to grant the order after a hearing, the court shall consider evidence of the following, whether or not the petitioner has provided evidence of the same:

(1) a history of threats or acts of violence by the respondent directed toward the respondent's self or another person;

(2) the history of use, attempted use, or threatened use of physical force by the respondent against another person;

(3) a violation of any court order including, but not limited to, orders issued under sections 624.7161 to 624.7168, or chapter 260C or 518B;

(4) a prior arrest for a felony offense;

(5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense under section 609.749, or for domestic assault under section 609.2242;

(6) a conviction for an offense of cruelty to animals under chapter 343;

(7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent; and

(8) evidence of controlled substances or alcohol abuse factored against countervailing evidence of recovery from abuse of controlled substances or alcohol.

(c) In determining whether to grant the order after a hearing, the court may consider any other evidence that bears on whether the respondent poses a danger to the respondent's self or others.

(d) If the court finds there is a preponderance of the evidence to issue an extreme risk protection order, the court shall issue the order prohibiting the person from possessing a firearm for the duration of the order. The court shall inform the respondent that the respondent is prohibited from possessing firearms and shall issue a transfer order under section 624.7165. The court shall also give notice to the county attorney's office, which may take action as it deems appropriate.

(e) The order shall have a fixed period, to be determined by the court, of not less than six months and not more than two years, subject to renewal or extension under section 624.7163.

(f) If there is no existing emergency order under section 624.7164 at the time an order is granted under this section, the court shall determine by a preponderance of the evidence whether the respondent presents an immediate and present danger of bodily injury. If the court so determines, the transfer order shall include the provisions described in section 624.7165, paragraph (c).

(g) If, after a hearing, the court does not issue an order of protection, the court shall vacate any emergency extreme risk protection order currently in effect.

Sec. 5. [624.7163] SUBSEQUENT EXTENSIONS AND TERMINATION.

(a) Upon application by a petitioner entitled to petition for an order under section 624.7162, and after notice to the respondent and a hearing, the court may extend the relief granted in an existing order granted after a hearing under section 624.7162. Application for an extension may be made any time within the three months before the expiration of the existing order. The order may be extended for a fixed period of at least six months and not to exceed two years, if the court makes the same findings by a preponderance of the evidence as required for granting of an initial order under section 624.7162, subdivision 2, paragraph (d). The court shall consider the same types of evidence as required for the initial order under section 624.7162, subdivision 2, paragraphs (b) and (c).

(b) Upon application by the respondent for an order issued under section 624.7162, the court may terminate an order after a hearing at which the respondent shall bear the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of bodily injury to the respondent's self or to other persons by possessing a firearm, or that less restrictive alternatives are appropriate and adequate to the circumstances. Application may be made for termination one time for each year an order is in effect. If an order has been issued for a period of six months, the respondent may apply for termination one time.

Sec. 6. [624.7164] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION ORDER.

(a) In determining whether to grant an emergency extreme risk protection order, the court shall consider evidence of all facts identified in section 624.7162, subdivision 2, paragraphs (b) and (c).

(b) The court shall advise the petitioner of the right to request an order after a hearing under section 624.7162 separately from or simultaneously with the petition.

(c) If the court finds there is reasonable grounds that (1) the respondent poses a significant danger of bodily injury to the respondent's self or to other persons by possessing a firearm, (2) less restrictive alternatives are inappropriate or inadequate to the circumstances, and (3) the respondent presents an immediate and present danger of bodily injury, the court shall issue an ex parte emergency order prohibiting the respondent from possessing a firearm for the duration of the order. The order shall inform the respondent that the respondent is prohibited from possessing firearms and shall issue a transfer order under section 624.7165.

(d) A finding by the court that there is a basis for issuing an emergency extreme risk protection order constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte relief.

(e) The emergency order shall have a fixed period of 14 days, unless a hearing is set under section 624.7162 on an earlier date, in which case the order shall expire upon a judge's finding that no order is issued under section 624.7162.

(f) Except as provided in paragraph (g), the respondent shall be personally served immediately with a copy of the emergency order and a copy of the petition and, if a hearing is requested by the petitioner under section 624.7162, notice of the date set for the hearing. If the petitioner does not request a hearing under section 624.7162, an order served on a respondent under this subdivision must include a notice advising the respondent of the right to request a hearing challenging the issuance of the emergency order, and must be accompanied by a form that can be used by the respondent to request a hearing.

(g) Service of the emergency order may be made by alternate service as provided under section 624.7162, subdivision 1, paragraph (e), provided that the petitioner files the affidavit required under that subdivision. If the petitioner does not request a hearing under section 624.7162, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing described in paragraph (f).

Sec. 7. [624.7165] TRANSFER OF FIREARMS.

(a) Upon issuance of an extreme risk protection order, the court shall direct the respondent to transfer immediately any firearms the person possesses, within 24 hours, to a federally licensed firearms dealer, the local law enforcement agency, an entity described in paragraph (d), or a third party. If the respondent elects to transfer the respondent's firearms to the local law enforcement agency, the agency may, but is not required to, accept the transfer. A transfer under this section may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm and does not transfer ownership or title. If the respondent makes a temporary transfer, a federally licensed firearms dealer or the local law enforcement agency may charge the respondent a reasonable fee to store the firearms and may establish policies for disposal of abandoned firearms, provided these policies require that the respondent be notified prior to disposal of abandoned firearms. If a respondent permanently transfers the respondent's firearms to the local law enforcement agency, the agency is not required to compensate the respondent and may charge the respondent a reasonable processing fee. The local law enforcement agency is not required to accept a respondent's firearm under this section.

(b) The respondent must file proof of transfer as provided in this paragraph.

(1) When the local law enforcement agency, federally licensed firearms dealer, or entity described in paragraph (d) accepts transfer of a firearm pursuant to this section, it shall provide proof of transfer to the respondent. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and must include the name of the respondent, date of transfer, and the serial number, manufacturer, and model of all transferred firearms. If transfer is made to a federally licensed firearms dealer, or to an entity described in paragraph (d), the respondent shall, within two business days after being served with the order, file a copy of proof of transfer with the local law enforcement agency and attest that all firearms owned or possessed at the time of the order have been transferred in accordance with this section and that the person currently does not possess any firearms. If the respondent claims not to own or possess firearms, the respondent shall file a declaration of nonpossession with the local law enforcement agency attesting that, at the time of the order, the respondent neither owned nor possessed any firearms, and that the respondent currently neither owns nor possesses any firearms.

(2) If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the respondent permanently transferred the respondent's firearms to the third party or agreeing to temporarily store the respondent's firearms until such time as the respondent is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the respondent to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally responsible under section 624.7144 if the respondent gains access to a transferred firearm while the firearm is in the custody of the third party. The respondent shall provide the local law enforcement agency with a signed and notarized affidavit as described in this section within two business days of the firearms transfer.

(3) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession filed pursuant to this paragraph.

(c) If a court issues an emergency order under section 624.7164, or makes a finding of immediate and present danger under section 624.7162, subdivision 2, paragraph (e), and there is probable cause to believe the respondent possesses firearms, the court shall issue a search warrant to the local law enforcement agency to take possession of all firearms in the respondent's possession as soon as practicable. The local law enforcement agency shall, upon written notice from the respondent, transfer the firearms to a federally licensed firearms dealer. Before the local law enforcement agency transfers a firearm under this paragraph, the agency shall require the federally licensed firearms dealer receiving the firearm to submit a proof of transfer that complies with the requirements for proofs of transfer established in paragraph (b). The agency shall file all proofs of transfer with the court within two business days of the transfer. A federally licensed firearms dealer who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (a) and (b) as if accepting transfer directly from the respondent. If the local law enforcement agency does not receive written notice from the respondent within three business days, the agency may charge a reasonable fee to store the respondent's firearms. The local law enforcement agency may establish policies for disposal of abandoned firearms, provided these policies require that the respondent be notified prior to disposal of abandoned firearms.

(d) The county of the respondent's residence must arrange for a public or private entity willing to receive a permanent or temporary transfer of the respondent's firearms under this section.

Sec. 8. **[624.7166] RETURN OF FIREARMS.**

Subdivision 1. **Law enforcement.** The local law enforcement agency that accepted temporary transfer of firearms under section 624.7165 shall return the firearms to the respondent upon request after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law.

Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary transfer of firearms under section 624.7165 shall return the transferring firearms to the respondent upon request after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law. A federally licensed firearms dealer returning firearms shall comply with state and federal law as though transferring a firearm from the dealer's own inventory.

Subd. 3. **Third party; other entities.** The local law enforcement agency shall inform the third party or entity described in section 624.7165, paragraph (d), that accepted transfer under section 624.7165 that the firearm or firearms may be returned to the respondent upon request after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law.

Sec. 9. **[624.7167] OFFENSES.**

Subdivision 1. **False information or harassment.** A person who provides information to the local law enforcement agency that petitions for an extreme risk protection order under section 624.7162 or 624.7164, knowing any information so provided to be materially false or with the intent to harass, abuse, or threaten, is guilty of a misdemeanor.

Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should have known that the person is prohibited from doing so by an extreme risk protection order under section 624.7162 or 624.7164, or by an order of protection granted by a judge or referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor and shall be prohibited from possessing firearms for a period of five years. Each extreme risk protection order granted under this chapter must contain a conspicuous notice to the respondent regarding the penalty for violation of the order.

Sec. 10. **[624.7168] LIABILITY PROTECTION.**

Subdivision 1. **Liability protection for petition.** A chief law enforcement officer of a local law enforcement agency, or a designee who, in good faith, decides not to petition for an extreme risk protection order or emergency extreme risk protection order shall be immune from criminal or civil liability.

Subd. 2. **Liability protection for storage of firearms.** A local law enforcement agency or entity described in section 624.7165, paragraph (d), shall be immune from civil or criminal liability for any damage or deterioration of firearms, ammunition, or weapons stored or transported pursuant to section 624.7165. This subdivision shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the agency or entity.

Sec. 11. **EFFECTIVE DATE.**

Sections 1 to 10 are effective January 1, 2019, and apply to firearm permit background checks made on or after that date."

Renumber the articles in sequence and correct the internal references

Amend the title accordingly

Senator Limmer questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Latz 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 37 and nays 29, as follows:

Those who voted in the affirmative were:

Abeler	Eken	Jensen	Nelson	Sparks
Anderson, B.	Fischbach	Johnson	Newman	Tomassoni
Anderson, P.	Gazelka	Kiffmeyer	Osmek	Utke
Benson	Goggin	Koran	Pratt	Weber
Chamberlain	Hall	Lang	Relph	Westrom
Dahms	Housley	Limmer	Rosen	
Draheim	Ingebrigtsen	Mathews	Ruud	
Eichorn	Jasinski	Miller	Senjem	

Those who voted in the negative were:

Bakk	Cwodzinski	Hawj	Laine	Pappas
Bigham	Dibble	Hayden	Latz	Rest
Carlson	Dziedzic	Hoffman	Little	Simonson
Champion	Eaton	Isaacson	Lourey	Torres Ray
Clausen	Franzen	Kent	Marty	Wiger
Cohen	Frentz	Klein	Newton	

So the decision of the President was sustained.

Senator Abeler moved to amend S.F. No. 3656 as follows:

Page 377, after line 12, insert:

"Section 1. Minnesota Statutes 2016, section 62D.115, subdivision 4, is amended to read:

Subd. 4. **Records.** (a) Each health maintenance organization shall maintain records of all quality of care complaints and their resolution and retain those records for five years. Notwithstanding section 145.64, upon written request of the enrollee or individual who made the complaint, the commissioner shall require the health maintenance organization to provide a record of the resolution of the complaint to the commissioner. The record must be provided within 45 days of receipt of the request from the enrollee or individual making the complaint. For purposes of this subdivision, the record provided to the commissioner is limited to information on the resolution of the complaint, the conclusion of the investigation, and any corrective action plan.

(b) Information provided to the commissioner according to this subdivision is classified as confidential data on individuals or protected nonpublic data as defined in section 13.02, subdivision 3 or 13, provided that information that does not identify individuals, including individuals participating in or the subject of peer review, is accessible to the enrollee or individual who made the complaint. To the extent records provided to the commissioner or an enrollee or complainant under this subdivision are subject to peer protection confidentiality under state or federal law, those records are not subject to discovery or subpoena and may not be included or referenced in a court file, introduced into evidence, or used to obtain an affidavit of expert review under section 145.682. This subdivision does not prohibit the use in a civil action of information, documents, or records subject to discovery or otherwise available from original sources."

Page 387, after line 29, insert:

"Sec. 18. **AUTISM SPECTRUM DISORDER TASK FORCE PLAN.**

The commissioner of health, in consultation with the commissioners of human services and education, shall submit a plan to the chairs and ranking minority members of the legislative committees with jurisdiction over health care, human services, and education by January 15, 2019, to reconstitute the Autism Spectrum Disorder Task Force originally established in 2011. The plan must include proposed membership of the task force that takes into consideration all points of view and represents a diverse range of agencies, community groups, advocacy organizations, educators, and families."

Page 442, after line 27, insert:

"Sec. 19. Minnesota Statutes 2016, section 256.01, subdivision 14b, is amended to read:

Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of human services may authorize projects to test tribal delivery of child welfare services to American Indian children and their parents and custodians living on the reservation. The commissioner has authority to solicit and determine which tribes may participate in a project. Grants may be issued to Minnesota Indian tribes to support the projects. The commissioner may waive existing state rules as needed to accomplish the projects. The commissioner may authorize projects to use alternative methods of (1) investigating and assessing reports of child maltreatment, and (2) administrative reconsideration, administrative appeal, and judicial appeal of maltreatment determinations, provided the alternative methods used by the projects comply with the provisions of sections 256.045 and 626.556 dealing with the rights of individuals who are the subjects of reports or investigations, including notice and appeal rights and data practices requirements. The commissioner may seek any federal approvals necessary to carry out the projects as well as seek and use any funds available to the commissioner, including use of federal funds, foundation funds, existing grant funds, and other funds. The commissioner is authorized to advance state funds as necessary to operate the projects. Federal reimbursement applicable to the projects is appropriated to the commissioner for the purposes of the projects. The projects must be required to address responsibility for safety, permanency, and well-being of children.

(b) For the purposes of this section, "American Indian child" means a person under 21 years old and who is a tribal member or eligible for membership in one of the tribes chosen for a project under this subdivision and who is residing on the reservation of that tribe.

(c) In order to qualify for an American Indian child welfare project, a tribe must:

(1) be one of the existing tribes with reservation land in Minnesota;

(2) have a tribal court with jurisdiction over child custody proceedings;

(3) have a substantial number of children for whom determinations of maltreatment have occurred;

(4) have capacity to respond to reports of abuse and neglect under section 626.556;

(5) provide a wide range of services to families in need of child welfare services; and

(6) have a tribal-state title IV-E agreement in effect.

(d) Grants awarded under this section may be used for the nonfederal costs of providing child welfare services to American Indian children on the tribe's reservation, including costs associated with:

(1) assessment and prevention of child abuse and neglect;

(2) family preservation;

(3) facilitative, supportive, and reunification services;

(4) out-of-home placement for children removed from the home for child protective purposes; and

(5) other activities and services approved by the commissioner that further the goals of providing safety, permanency, and well-being of American Indian children.

(e) When a tribe has initiated a project and has been approved by the commissioner to assume child welfare responsibilities for American Indian children of that tribe under this section, the affected county social service agency is relieved of responsibility for responding to reports of abuse and neglect under section 626.556 for those children during the time within which the tribal project is in effect and funded. The commissioner shall work with tribes and affected counties to develop procedures for data collection, evaluation, and clarification of ongoing role and financial responsibilities of the county and tribe for child welfare services prior to initiation of the project. Children who have not been identified by the tribe as participating in the project shall remain the responsibility of the county. Nothing in this section shall alter responsibilities of the county for law enforcement or court services.

(f) Participating tribes may conduct children's mental health screenings under section 245.4874, subdivision 1, paragraph (a), clause (12), for children who are eligible for the initiative and living on the reservation and who meet one of the following criteria:

(1) the child must be receiving child protective services;

(2) the child must be in foster care; or

(3) the child's parents must have had parental rights suspended or terminated.

Tribes may access reimbursement from available state funds for conducting the screenings. Nothing in this section shall alter responsibilities of the county for providing services under section 245.487.

(g) Participating tribes may establish a local child mortality review panel. In establishing a local child mortality review panel, the tribe agrees to conduct local child mortality reviews for child deaths or near-fatalities occurring on the reservation under subdivision 12. Tribes with established child mortality review panels shall have access to nonpublic data and shall protect nonpublic data under subdivision 12, paragraphs (c) to (e). The tribe shall provide written notice to the commissioner and affected counties when a local child mortality review panel has been established and shall provide data upon request of the commissioner for purposes of sharing nonpublic data with members of the state child mortality review panel in connection to an individual case.

(h) The commissioner shall collect information on outcomes relating to child safety, permanency, and well-being of American Indian children who are served in the projects. Participating tribes must provide information to the state in a format and completeness deemed acceptable by the state to meet state and federal reporting requirements.

(i) In consultation with the White Earth Band, the commissioner shall develop and submit to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services a plan to transfer legal responsibility for providing child protective services to White Earth Band member children residing in Hennepin County to the White Earth Band. The plan shall include a financing proposal, definitions of key terms, statutory amendments required, and other provisions required to implement the plan. The commissioner shall submit the plan by January 15, 2012.

(j) The commissioner and the Red Lake Nation, in consultation with Beltrami County, Clearwater County, and Lake of the Woods County, shall develop a proposal to transfer legal and financial responsibility to the tribe for providing child welfare and child protection services to tribal members and families who reside on the Red Lake Reservation in Beltrami, Clearwater, and Lake of the Woods Counties. The proposal shall be provided to the members of the house of representatives and senate committees with jurisdiction over health and human services no later than January 15, 2019."

Page 452, line 27, after the first comma, insert "on-site coordination,"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Klein moved to amend S.F. No. 3656 as follows:

Page 377, after line 12, insert:

"Section 1. Minnesota Statutes 2016, section 13.3805, is amended by adding a subdivision to read:

Subd. 6. **Firearms data.** Government data of the Department of Health collected for purposes of public health research or epidemiologic investigation under section 144.05, subdivision 5, regarding firearm ownership is private data on individuals and must be de-identified. Health data on individuals regarding firearm ownership may not be disclosed to any person or agency unless it is de-identified. For purposes of this subdivision, "de-identified" means the process used to prevent a person's identity from being connected with information and ensuring that all personally identifiable information has been removed."

Page 382, after line 27, insert:

"Sec. 12. Minnesota Statutes 2016, section 144.05, subdivision 5, is amended to read:

Subd. 5. **Firearms data.** Notwithstanding any law to the contrary, the commissioner of health is prohibited from collecting data on individuals regarding lawful firearm ownership in the state or data related to an individual's right to carry a weapon under section 624.714, except for the purpose of public health research or epidemiologic investigation. Section 13.3805, subdivision 6, applies to the classification, collection, and de-identification of the data."

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.

Senator Klein 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 36 and nays 29, as follows:

Those who voted in the affirmative were:

Abeler	Eken	Jensen	Newman	Tomassoni
Anderson, B.	Fischbach	Johnson	Osmek	Utke
Anderson, P.	Gazelka	Kiffmeyer	Pratt	Weber
Benson	Goggin	Koran	Relph	Westrom
Chamberlain	Hall	Lang	Rosen	
Dahms	Housley	Limmer	Ruud	
Draheim	Ingebrigtsen	Mathews	Senjem	
Eichorn	Jasinski	Miller	Sparks	

Those who voted in the negative were:

Bakk	Cwodzinski	Hawj	Laine	Pappas
Bigham	Dibble	Hayden	Latz	Rest
Carlson	Dziedzic	Hoffman	Little	Simonson
Champion	Eaton	Isaacson	Lourey	Torres Ray
Clausen	Franzen	Kent	Marty	Wiger
Cohen	Frentz	Klein	Newton	

So the decision of the President was sustained.

Senator Pappas moved to amend S.F. No. 3656 as follows:

Page 392, after line 15, insert:

"Sec. 4. [62Q.521] COVERAGE OF CONTRACEPTIVE METHODS AND SERVICES.

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

(b) "Contraceptive method" means a drug, device, or other product approved by the Food and Drug Administration to prevent unintended pregnancy.

(c) "Contraceptive service" means consultation, examination, procedures, and medical services related to the use of a contraceptive method, including natural family planning, to prevent an unintended pregnancy.

(d) "Therapeutic equivalent version" means a drug, device, or product that can be expected to have the same clinical effect and safety profile when administered to a patient under the condition specified in the labeling and that:

(1) is approved as safe and effective;

(2) is a pharmaceutical equivalent in that the drug, device, or product contains identical amounts of the same active drug ingredient in the same dosage form and route of administration, and the drug, device, or product meets compendial or other applicable standards of strength, quality, purity, and identity;

(3) is bioequivalent in that:

(i) the drug, device, or product does not present a known or potential bioequivalence problem and meets an acceptable in vitro standard; or

(ii) if the drug, device, or product does present a known or potential bioequivalence problem, it is shown to meet an appropriate bioequivalence standard;

(4) is adequately labeled; and

(5) is manufactured in compliance with current manufacturing practice regulations.

Subd. 2. **Required coverage; cost sharing prohibited.** (a) A health plan must provide coverage for:

(1) all contraceptive methods, including over-the-counter contraceptives, but excluding male condoms;

(2) voluntary sterilization procedures;

(3) contraceptive services, patient education, and counseling on contraception; and

(4) follow-up services related to contraceptive methods, voluntary sterilization procedures, and contraceptive services, including but not limited to management of side effects, counseling for continued adherence, and device insertion and removal.

(b) A health plan company shall not require any cost-sharing requirements, including co-pays, deductibles, and coinsurance, for the coverage required by this section.

(c) A health plan company shall not include any referral requirements or restrictions, or require a delay for the coverage required by this section.

(d) If the Food and Drug Administration has approved more than one therapeutic equivalent version of a contraceptive method, a health plan is not required to include more than one therapeutic equivalent version in its formulary.

(e) If a provider recommends a specific contraceptive method to an enrollee, the health plan company must provide coverage for the contraceptive method.

(f) If a contraceptive method is not covered by a health plan, the health plan company must provide enrollees with an easily accessible, transparent, and expedient process, that is not unduly burdensome to the enrollee, to request coverage of the contraceptive method by the health plan.

(g) Nothing in this section allows for the exclusion of coverage for a contraceptive method prescribed by a provider, acting within the provider's scope of practice, for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to preserve the life or health of an enrollee.

Subd. 3. **Religious employers; exempt.** For purposes of this subdivision, a "religious employer" means an employer that is a nonprofit entity and meets the requirements of section 6033(a)(3)(A)(i) or (iii) of the Internal Revenue Code of 1986, as amended (2018). A religious employer is exempt from this section if the religious employer provides all employees and prospective employees with reasonable and timely notice of the exemption prior to their enrollment in the health plan. The notice must provide a list of the contraceptive methods the employer refuses to cover for religious reasons.

Subd. 4. **Accommodation for eligible organizations.** (a) An organization is an "eligible organization" if it:

(1) is a nonprofit entity that holds itself as a religious organization and opposes providing coverage for some or all contraceptive methods or services required to be covered by this section on account of religious objections; or

(2) is a closely held for-profit entity and the organization's highest governing body has adopted a resolution or similar action, under the organization's applicable rules of governance and consistent with state law, establishing that it objects to covering some or all of the contraceptive methods or services on account of the owners' sincerely held religious beliefs; and

(3) submits a notice to its health plan company stating that it qualifies as an eligible organization under this subdivision and that it has a religious objection to coverage for all, or a subset of, contraceptive methods or services.

(b) For purposes of paragraph (a), clause (2), a closely held for-profit entity is an entity that has:

(1) more than 50 percent of the value of its ownership interest owned directly or indirectly by five or fewer individuals, or has an ownership structure that is substantially similar; and

(2) no publicly traded ownership interest, meaning any class of common equity securities required to be registered under United States Code, chapter 15, section 781.

(c) For purposes of paragraph (b), ownership interests owned by:

(1) a corporation, partnership, estate, or trust are considered owned proportionately by the entity's respective shareholders, partners, or beneficiaries;

(2) an individual are considered owned, directly or indirectly, by or for the individual's family. For purposes of this clause, "family" includes brothers and sisters, including half-brothers and half-sisters, a spouse, ancestors, and lineal descendants; and

(3) the person that holds the option to purchase an ownership interest are considered to be the owner of those ownership interests.

(d) A health plan company that receives the notice described in paragraph (a) must:

(1) exclude coverage of contraceptive methods and services, as requested by the eligible organization, from the health plan; and

(2) provide enrollees with a separate payment for any contraceptive methods and services that would be covered if the organization was not an eligible organization.

(e) The requirements of subdivision 2 apply to payments made by a health plan company under this subdivision.

EFFECTIVE DATE. This section is effective January 1, 2020, and applies to coverage offered, sold, issued, or renewed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Little	Simonson
Bigham	Dziedzic	Hoffman	Lourey	Sparks
Carlson	Eaton	Isaacson	Marty	Tomassoni
Champion	Eken	Kent	Newman	Torres Ray
Clausen	Franzen	Klein	Newton	Wiger
Cohen	Frentz	Laine	Pappas	
Cwodzinski	Hawj	Latz	Rest	

Those who voted in the negative were:

Abeler	Draheim	Housley	Koran	Osmek
Anderson, B.	Eichorn	Ingebrigtsen	Lang	Pratt
Anderson, P.	Fischbach	Jasinski	Limmer	Relph
Benson	Gazelka	Jensen	Mathews	Rosen
Chamberlain	Goggin	Johnson	Miller	Ruud
Dahms	Hall	Kiffmeyer	Nelson	Senjem

Utke

Weber

Westrom

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

Senator Westrom moved to amend S.F. No. 3656 as follows:

Page 420, after line 11, insert:

"Sec. 37. GUIDELINES AUTHORIZING PATIENT-ASSISTED MEDICATION ADMINISTRATION.

(a) Within the limits of the board's available appropriation, the Medical Director Standing Advisory Committee of the Emergency Medical Services Regulatory Board shall propose guidelines authorizing EMTs, AEMTs, and paramedics certified under Minnesota Statutes, section 144E.28, to assist a patient in emergency situations with administering prescription medications that are:

(1) carried by a patient;

(2) intended to treat adrenal insufficiency or other rare conditions that require emergency treatment with a previously prescribed medication;

(3) intended to treat a specific life-threatening condition; and

(4) administered via routes of delivery that are within the scope of training of the EMT, AEMT, or paramedic.

(b) The proposed guidelines shall include language that requires the ambulance service to be available to patients or their caregivers who have medical conditions identified in paragraph (a) to define the patient's needs and, when appropriate, develop specific care plans and provide education or other resources at the discretion of the ambulance service medical director.

(c) The Emergency Medical Services Regulatory Board shall submit the proposed guidelines and draft legislation as necessary to the chairs and ranking minority members of the legislative committees with jurisdiction over health care by January 1, 2019."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Utke moved to amend S.F. No. 3656 as follows:

Page 462, line 28, strike the second "disability" and insert "disabilities"

Page 466, line 6, delete "disability" and insert "disabilities"

Page 467, line 21, delete "disability" and insert "disabilities"

Page 469, line 1, delete "disability" and insert "disabilities"

Page 487, after line 32, insert:

"Sec. 21. Minnesota Statutes 2016, section 256B.093, subdivision 1, is amended to read:

Subdivision 1. **State traumatic brain injury program.** (a) The commissioner of human services shall:

- (1) maintain a statewide traumatic brain injury program;
- (2) supervise and coordinate services and policies for persons with traumatic brain injuries;
- (3) contract with qualified agencies or employ staff to provide statewide administrative case management and consultation;
- (4) maintain an advisory committee to provide recommendations in reports to the commissioner regarding program and service needs of persons with brain injuries;
- (5) investigate the need for the development of rules or statutes for the brain injury home and community-based services waiver; and
- (6) investigate present and potential models of service coordination which can be delivered at the local level; ~~and~~

~~(7)~~ (b) The advisory committee required by paragraph (a), clause (4), must consist of no fewer than ten members and no more than 30 members. The commissioner shall appoint all advisory committee members to one- or two-year terms and appoint one member as chair. The advisory committee ~~does not terminate until~~ expires on June 30, 2018 2023."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Jensen moved to amend S.F. No. 3656 as follows:

Page 423, line 9, delete "or Schedule" and insert "through Schedule IV opiate"

Page 423, line 10, delete "III"

Page 423, line 11, delete "six" and insert "three"

Page 423, after line 17, insert:

"(4) the prescriber and patient have an ongoing doctor/patient relationship of a duration longer than one year;"

Renumber the clauses in sequence

The motion prevailed. So the amendment was adopted.

Senator Wiger moved to amend S.F. No. 3656 as follows:

Page 25, after line 17, insert:

"Sec. 33. Laws 2017, First Special Session chapter 4, article 1, section 3, is amended to read:

Sec. 3. GOVERNOR AND LIEUTENANT GOVERNOR		3,616,000		
	\$	<u>3,566,000</u>	\$	3,616,000

(a) This appropriation is to fund the Office of the Governor and Lieutenant Governor.

(b) Up to \$19,000 the first year and up to \$19,000 the second year are for necessary expenses in the normal performance of the Governor's and Lieutenant Governor's duties for which no other reimbursement is provided."

Page 542, after line 11, insert:

"Sec. 9. Minnesota Statutes 2016, section 124D.957, subdivision 1, is amended to read:

Subdivision 1. **Establishment and membership.** The Minnesota Youth Council Committee is established within and under the auspices of the Minnesota Alliance With Youth. The committee consists of four members from each congressional district in Minnesota and four members selected at-large. Members must be selected through an application and interview process conducted by the Minnesota Alliance With Youth. In making its appointments, the Minnesota Alliance With Youth should strive to ensure gender and ethnic diversity in the committee's membership. Members must be ~~between the ages of 13 and 19~~ in grades 8 through 12 and serve two-year terms, except that one-half of the initial members must serve a one-year term. Members may serve a maximum of two terms.

Sec. 10. Minnesota Statutes 2016, section 124D.957, is amended by adding a subdivision to read:

Subd. 5. **Funding.** The Minnesota Alliance With Youth may receive annual state appropriations to fund the operations for the Minnesota Youth Council."

Page 546, after line 32, insert:

"Subd. 4. **Minnesota Youth Council.** (a) For a grant to the Minnesota Alliance With Youth for the activities of the Minnesota Youth Council.

\$	<u>50,000</u>	<u>.....</u>	<u>2019</u>
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(b) This is a onetime appropriation."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 7.4, Senator Nelson questioned whether the Wiger amendment was in order. The President ruled the amendment was not in order.

Senator Kent moved to amend S.F. No. 3656 as follows:

Page 563, after line 20, insert:

"Sec. 6. **LEGISLATIVE WORKING GROUP ON EARLY CHILDHOOD PROGRAMS.**

Subdivision 1. Membership; chair. (a) The legislative working group on early childhood programs shall consist of eight members as follows:

(1) four members of the house of representatives, two members appointed by the speaker of the house and two members appointed by the house minority leader; and

(2) four members of the senate, two members appointed by the senate majority leader and two members appointed by the senate minority leader.

(b) Appointing authorities must make appointments by August 1, 2018.

(c) If a vacancy occurs, the appointing authority for the vacated position must fill the vacancy.

(d) The speaker and the majority leader shall each designate one working group member from their respective body to serve as chair. The chair shall rotate after each meeting. The person appointed as chair by the senate majority leader shall convene the first meeting of the working group by September 15, 2018.

Subd. 2. Duties. (a) The working group must study each of the key facts and findings and recommendations made by the legislative auditor in its April 2018 evaluation report on early childhood programs.

(b) The working group must solicit input from the commissioner of human services, the commissioner of health, the commissioner of education, early childhood program providers, families accessing services in Minnesota's early childhood programs, and other interested stakeholders.

Subd. 3. Administration. The Legislative Coordinating Commission must provide technical and administrative assistance to the working group upon request.

Subd. 4. Recommendations; report. The working group must issue a report to the governor and chairs and ranking minority members of the legislative committees with jurisdiction over early childhood programs by January 15, 2019. The report must include any draft legislation to make any recommended changes to the law to improve the effectiveness of Minnesota's system of early childhood programs.

Subd. 5. Expiration. The working group expires January 16, 2019.

EFFECTIVE DATE. This section is effective July 1, 2018."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Lourey	Tomassoni
Bigham	Dziedzic	Hoffman	Marty	Torres Ray
Carlson	Eaton	Isaacson	Newton	Wiger
Champion	Eken	Kent	Pappas	
Clausen	Franzen	Laine	Rest	
Cohen	Frentz	Latz	Simonson	
Cwodzinski	Hawj	Little	Sparks	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

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

Senator Franzen moved to amend S.F. No. 3656 as follows:

Page 538, delete section 1

Page 541, delete section 7

Page 542, delete section 9

Page 546, delete subdivision 3

Page 563, line 28, delete "24,673,000" and insert "24,698,000"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Lourey	Tomassoni
Bigham	Dziedzic	Hoffman	Marty	Torres Ray
Carlson	Eaton	Isaacson	Newton	Wiger
Champion	Eken	Kent	Pappas	
Clausen	Franzen	Laine	Rest	
Cohen	Frentz	Latz	Simonson	
Cwodzinski	Hawj	Little	Sparks	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

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

Senator Franzen moved to amend S.F. No. 3656 as follows:

Page 538, line 22, after the period, insert "For courses under section 124D.09, the policy must not apply to a student taking the course or a secondary teacher or postsecondary faculty member teaching the course."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Lourey	Sparks
Bigham	Dziedzic	Hoffman	Marty	Tomassoni
Carlson	Eaton	Isaacson	Newton	Torres Ray
Champion	Eken	Kent	Pappas	Wiger
Clausen	Franzen	Laine	Pratt	
Cohen	Frentz	Latz	Rest	
Cwodzinski	Hawj	Little	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Ruud
Anderson, B.	Fischbach	Jensen	Miller	Senjem
Anderson, P.	Gazelka	Johnson	Nelson	Utke
Benson	Goggin	Kiffmeyer	Newman	Weber
Chamberlain	Hall	Koran	Osmek	Westrom
Dahms	Housley	Lang	Relph	
Draheim	Ingebrigtsen	Limmer	Rosen	

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

S.F. No. 3656 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 34 and nays 31, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

Those who voted in the negative were:

Bakk	Dibble	Hayden	Lourey	Tomassoni
Bigham	Dziedzic	Hoffman	Marty	Torres Ray
Carlson	Eaton	Isaacson	Newton	Wiger
Champion	Eken	Kent	Pappas	
Clausen	Franzen	Laine	Rest	
Cohen	Frentz	Latz	Simonson	
Cwodzinski	Hawj	Little	Sparks	

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

MEMBERS EXCUSED

Senator Wiklund was excused from the Session of today at 3:00 p.m. Senator Nelson was excused from the Session of today from 6:45 to 7:00 p.m. Senator Klein was excused from the Session of today at 8:00 p.m.

ADJOURNMENT

Senator Gazelka moved that the Senate do now adjourn until 11:00 a.m., Monday, April 30, 2018. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate