

SEVENTY-SECOND DAY

St. Paul, Minnesota, Wednesday, May 17, 2023

The Senate met at 1:00 p.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Amanda Lunemann.

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 were present:

| | | | | |
|------------|------------|---------|----------------|-----------|
| Abeler | Dziedzic | Johnson | Maye Quade | Rarick |
| Anderson | Eichorn | Klein | McEwen | Rasmusson |
| Bahr | Farnsworth | Koran | Miller | Rest |
| Boldon | Fatch | Kreun | Mitchell | Seeberger |
| Carlson | Frentz | Kunesh | Mohamed | Utke |
| Champion | Green | Kupec | Morrison | Weber |
| Coleman | Gruenhagen | Lang | Murphy | Wesenberg |
| Cwodzinski | Gustafson | Latz | Nelson | Westlin |
| Dahms | Hauschild | Lieske | Oumou Verbeten | Westrom |
| Dibble | Hawj | Limmer | Pappas | Wiklund |
| Dornink | Hoffman | Lucero | Pha | Xiong |
| Draheim | Housley | Mann | Port | |
| Drazkowski | Howe | Marty | Pratt | |
| Duckworth | Jasinski | Mathews | Putnam | |

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.

May 16, 2023

The Honorable Melissa Hortman
Speaker of the House of Representatives

The Honorable Bobby Joe Champion
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2023 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| S.F. No. | H.F. No. | Session Laws Chapter No. | Time and Date Approved 2023 | Date Filed 2023 |
|-------------|-------------|-----------------------------|-----------------------------------|--------------------|
| | 24 | 39 | 12:25 p.m. May 16 | May 16 |

Sincerely,
Steve Simon
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2909, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2909: A bill for an act relating to state government; providing for certain judiciary, public safety, corrections, human rights, firearm, clemency, rehabilitation and reinvestment, supervised release board, expungement, community supervision, and 911 Emergency Communication System policy; providing for reports; authorizing rulemaking; appropriating money for judiciary, courts, civil legal services, Guardian ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, human rights, sentencing guidelines, public safety, emergency management, criminal apprehension, fire marshal, firefighters, Office of Justice programs, Peace Officer Standards and Training Board, Private Detective Board, corrections, incarceration and release, probation, juveniles, and Ombudsperson for Corrections; amending Minnesota Statutes 2022, sections 13.072, subdivision 1; 13.825, subdivision 3; 13.871, subdivisions 8, 14; 13A.02, subdivisions 1, 2; 144.6586, subdivision 2; 145.4712; 152.01, by adding a subdivision; 152.021, subdivisions 1, 2; 152.022, subdivisions 1, 2; 152.023, subdivision 2; 152.18, subdivision 1; 181.981, subdivision 1; 214.10, subdivision 10; 241.01, subdivision 3a; 241.021, subdivision 1d; 243.05, subdivision 1; 244.03; 244.05, subdivisions 1b, 2, 3, 4, 5, by adding a subdivision; 244.052, subdivision 4a; 244.101, subdivision 1; 244.19, subdivisions 1, 5; 244.195, subdivisions 1, 2, by adding subdivisions; 244.20; 244.21; 297I.06, subdivision 1; 299A.38; 299A.41, subdivisions 3, 4, by adding a subdivision; 299A.52; 299A.642, subdivision 15; 299A.73, by adding a subdivision; 299C.10, subdivision 1; 299C.106, subdivision 3; 299C.11, subdivision 3; 299C.111; 299C.17; 299C.53, subdivision 3; 299N.02, subdivision 3; 326.32, subdivision 10; 326.3381, subdivision 3; 357.021, subdivision 2; 363A.06, subdivision 1; 401.01; 401.02; 401.025, subdivision 1; 401.06; 401.09; 401.10; 401.11; 401.14, subdivision 3; 401.16; 403.02, subdivisions 7, 9a, 11b, 16a, 17, 17c, 18, 19, 19a, 20, 20a, 21, by adding subdivisions; 403.025; 403.03, subdivision 2; 403.05; 403.06; 403.07; 403.08; 403.09, subdivision 2; 403.10, subdivisions 2, 3; 403.11; 403.113; 403.15,

subdivisions 1, 2, 3, 4, 5, 6, by adding a subdivision; 609.05, by adding a subdivision; 609.106, subdivision 2, by adding a subdivision; 609.11, subdivision 8, by adding a subdivision; 609.14, subdivision 1, by adding a subdivision; 609.2231, subdivision 4; 609.2233; 609.3455, subdivisions 2, 5; 609.35; 609.52, subdivision 3; 609.527, subdivision 1, by adding a subdivision; 609.582, subdivisions 3, 4; 609.595, subdivisions 1a, 2; 609.749, subdivision 3; 609A.01; 609A.02, subdivision 3; 609A.03, subdivisions 5, 7a, 9; 611.23; 611A.03, subdivision 1; 611A.211, subdivision 1; 611A.31, subdivisions 2, 3, by adding a subdivision; 611A.32; 626.15; 626.5531, subdivision 1; 626.843, by adding a subdivision; 626.8451, subdivision 1; 626.8469, subdivision 1; 626.8473, subdivision 3; 638.01; 641.15, subdivision 2; 641.155; Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 243; 244; 299A; 299C; 401; 609; 609A; 626; 638; repealing Minnesota Statutes 2022, sections 244.18; 244.19, subdivisions 6, 7, 8; 244.22; 244.24; 244.30; 299C.80, subdivision 7; 403.02, subdivision 13; 403.09, subdivision 3; 638.02; 638.03; 638.04; 638.05; 638.06; 638.07; 638.075; 638.08.

Senate File No. 2909 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 15, 2023

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 3035, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 3035: A bill for an act relating to state government; establishing the biennial budget for the Department of Employment and Economic Development, Explore Minnesota, Department of Labor and Industry, Workers' Compensation Court of Appeals, and Bureau of Mediation Services; modifying miscellaneous policy provisions; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 15.71, by adding subdivisions; 15.72, by adding a subdivision; 116J.5492, subdivisions 8, 10; 116J.55, subdivisions 1, 5, 6; 116J.871, subdivision 2; 116J.8748, subdivisions 3, 4, 6, by adding a subdivision; 116L.361, subdivision 7; 116L.362, subdivision 1; 116L.364, subdivision 3; 116L.56, subdivision 2; 116L.561, subdivision 5; 116L.562, subdivision 2; 116U.05; 116U.10; 116U.15; 116U.20; 116U.30; 116U.35; 175.16, subdivision 1; 177.26, subdivisions 1, 2; 177.27, subdivisions 4, 7; 178.01; 178.011, subdivision 7; 178.03, subdivision 1; 178.11; 179.86, subdivisions 1, 3, by adding subdivisions; 181.14, subdivision 1; 181.635, subdivisions 1, 2, 3, 4, 6; 181.85, subdivisions 2, 4; 181.86, subdivision 1; 181.87, subdivisions 2, 3, 7; 181.88; 181.89, subdivision 2, by adding a subdivision; 181.9435, subdivision 1; 181.9436; 182.654, subdivision 11; 182.666, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 326B.092, subdivision 6; 326B.096; 326B.103, subdivision 13, by adding subdivisions; 326B.106, subdivisions 1, 4, by adding a subdivision; 326B.802, subdivision 15; 337.01, subdivision 3; 337.05, subdivision 1; 341.21, subdivisions 2a, 2b, 2c, 4f, 7, by adding a subdivision; 341.221; 341.25; 341.27; 341.28, subdivisions 2, 3, by adding subdivisions; 341.30, subdivision 4; 341.32, subdivision 2; 341.321; 341.33; 341.355; 469.40, subdivision 11; 469.47, subdivisions 1, 5, 6; Laws 2021, First Special Session chapter 10, article 2, section 24; proposing coding for new law in Minnesota Statutes, chapters 116J; 116L; 116U; 179; 181; 182; 341; repealing Minnesota Statutes 2022, section 177.26, subdivision 3.

Senate File No. 3035 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 16, 2023

REPORTS OF COMMITTEES

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

Senator Dziejic from the Committee on Rules and Administration, to which was referred under Rule 21, together with the committee report thereon,

H.F. No. 670: A bill for an act relating to capital investment; authorizing spending to acquire and better land and buildings and for other improvements of a capital nature with certain conditions; canceling prior appropriations; appropriating money; creates a grant program; proposing coding for new law in Minnesota Statutes, chapter 138.

Reports the same back with the recommendation that the report from the Committee on Finance, shown in the Journal for May 16, 2023, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. No. 670 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Rarick introduced--

S.F. No. 3340: A bill for an act relating to public safety; regulating the manufacture, sale, and use of fireworks; dedicating a portion of revenues from the sale of certain fireworks for public safety purposes; amending Minnesota Statutes 2022, sections 297A.94; 624.20, subdivision 1.

Referred to the Committee on Judiciary and Public Safety.

Senator Carlson introduced--

S.F. No. 3341: A bill for an act relating to liquor; authorizing an on-sale license in the city of Eagan.

Referred to the Committee on Commerce and Consumer Protection.

Senators McEwen, Morrison, Mitchell, and Seeberger introduced--

S.F. No. 3342: A bill for an act relating to environment; appropriating money for study of PFAS in biosolids.

Referred to the Committee on Environment, Climate, and Legacy.

Senator McEwen introduced--

S.F. No. 3343: A bill for an act relating to public safety; providing an exception to the crime of illegal possession of a firearm in certain situations; amending Minnesota Statutes 2022, sections 609.165, subdivision 1b; 624.713, subdivision 2.

Referred to the Committee on Judiciary and Public Safety.

Senator Boldon introduced--

S.F. No. 3344: A bill for an act relating to human services; requiring family therapy services paid at rate equal to individual therapy services; amending Minnesota Statutes 2022, section 256B.761.

Referred to the Committee on Human Services.

MOTIONS AND RESOLUTIONS

Senator Dziejdzic moved that her name be stricken as a co-author to S.F. No. 2. The motion prevailed.

Senator Mann moved that the name of Senator Maye Quade be added as a co-author to S.F. No. 2. The motion prevailed.

Senator Howe introduced --

Senate Resolution No. 55: A Senate resolution commending Waite Park Police Chief David Bentrud for his many years of dedicated service in law enforcement.

Referred to the Committee on Rules and Administration.

Senators Hawj, Hoffman, Xiong, and Pappas introduced --

Senate Resolution No. 56: A Senate resolution honoring the lifelong and dedicated community service of Mr. Xang Vang.

Referred to the Committee on Rules and Administration.

Senators Morrison, Maye Quade, Mitchell, Gustafson, and Seeberger introduced --

Senate Concurrent Resolution No. 6: A Senate concurrent resolution designating a Minnesota statute as "Amara's Law."

Referred to the Committee on Rules and Administration.

RECESS

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

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

H.F. Nos. 3288, 197, and S.F. No. 37.

SPECIAL ORDER

H.F. No. 3288: A bill for an act relating to claims against the state; providing for the settlement of certain claims; appropriating money.

H.F. No. 3288 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 42 and nays 18, as follows:

Those who voted in the affirmative were:

| | | | | |
|------------|------------|------------|----------------|-----------|
| Anderson | Farnsworth | Lang | Morrison | Rarick |
| Bahr | Gustafson | Latz | Murphy | Seeberger |
| Boldon | Hawj | Limmer | Nelson | Utke |
| Carlson | Howe | Marty | Oumou Verbeten | Westlin |
| Champion | Klein | Maye Quade | Pappas | Wiklund |
| Cwodzinski | Koran | McEwen | Pha | Xiong |
| Dibble | Kreun | Miller | Port | |
| Dornink | Kunesh | Mitchell | Pratt | |
| Dziedzic | Kupec | Mohamed | Putnam | |

Pursuant to Rule 40, Senator Boldon cast the affirmative vote on behalf of the following Senators: Wiklund and Xiong.

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

| | | | | |
|------------|------------|----------|-----------|-----------|
| Coleman | Duckworth | Housley | Lucero | Wesenberg |
| Dahms | Eichorn | Jasinski | Mathews | Westrom |
| Draheim | Green | Johnson | Rasmusson | |
| Drazkowski | Gruenhagen | Lieske | Weber | |

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 197: A resolution memorializing Congress to resolve that the requirements have been met to ratify the Equal Rights Amendment (ERA) and that it shall now be known as the Twenty-Eighth Amendment to the Constitution.

Senator Nelson moved to amend H.F. No. 197, as amended pursuant to Rule 45, adopted by the Senate May 15, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 47.)

Page 1, delete lines 5 to 22

Page 2, delete lines 1 to 34

Page 3, delete lines 1 and 2 and insert:

"WHEREAS, the first, and still the only, right that the United States Constitution specifically affirms to be equal for women and men is the right to vote under the 19th Amendment, which was ratified by the states in 1920; and

WHEREAS, Title IX was first passed by Congress as part of the Education Amendments of 1972, which states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance," which opened new doors for women and girls in education, including scholarships and athletic participation;

WHEREAS, the Equal Rights Amendment (ERA) was first passed by Congress in 1972 and was sent to the states for ratification; and

WHEREAS, the 1972 federal ERA sought to guarantee "[e]quality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."; and

WHEREAS, Minnesota ratified the original ERA in 1973; and

WHEREAS, the equal protection clause of the Fourteenth Amendment to the Constitution of the United States has never been interpreted to protect against sex discrimination in the same way that a federal ERA would; and

WHEREAS, a federal ERA would clarify the legal status of women in cases of sex discrimination for courts across the country; and

WHEREAS, the number of women who serve their families as primary breadwinners has risen over the past five decades; and

WHEREAS, more women than men are enrolled in higher education institutions and complete their degrees, and many women regularly pursue advanced degrees; and

WHEREAS, women have reached new political heights in the past fifty years, including United States Vice President, United States Secretary of State, United States Ambassador to the United Nations, Chair of the United States Federal Reserve, and numerous elected officials in Minnesota and across the country; and

WHEREAS, the adoption of a federal ERA would recognize the extraordinary progress that women have made in a variety of fields since 1972, including, but not limited to, math and sciences, statistics, auditing, banking, finance, practice of medicine, surgery, medical research, pharmacy, mental health, engineering, architecture, construction and building trades, real estate, business management, entrepreneurship, law enforcement, judicial and legal scholarship, practice of law, public relations, advertising, communications, writing, editing, publishing, veterinary practice, agriculture sciences, aeronautics, and astronautics; and

WHEREAS, women-owned businesses was less than five percent nationwide prior to the 1970s but is now approximately 40 percent of all businesses, according to United States Census Bureau and IRS data; and

WHEREAS, the past 50 years have granted women and girls more opportunity than ever before in the history of the United States; and

WHEREAS, the future for women and girls in Minnesota is bright and all of Minnesota's daughters can be hopeful as we work towards further improvement; and

WHEREAS, all federal and state laws should apply equally for the benefit of women and girls, particularly those regarding employment; and

WHEREAS, all application of federal and state laws should render equal justice for all women and girls throughout the various stages of their lives, from beginning of life until death; NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the State of Minnesota that it condemns illegal, discriminatory practices concerning hiring and promoting women and girls; and

BE IT FURTHER RESOLVED by the Legislature of the State of Minnesota that it condemns illegal pay discrimination against women and girls; and

BE IT FURTHER RESOLVED by the Legislature of the State of Minnesota that it condemns sex trafficking and exploitation of women and girls; and

BE IT FURTHER RESOLVED by the Legislature of the State of Minnesota that it condemns violence against women and girls; and

BE IT FURTHER RESOLVED by the Legislature of the State of Minnesota that it urges the Congress of the United States to move forward with a federal ERA affirming the equality and dignity of the sexes, incorporating the principles of this resolution; and

BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the

President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and the Members of the United States Congress."

Delete the summary and insert:

"A resolution memorializing Congress to affirm the equality of women and girls."

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

| | | | | |
|------------|------------|----------|-----------|-----------|
| Anderson | Duckworth | Jasinski | Lucero | Utke |
| Bahr | Eichorn | Johnson | Mathews | Weber |
| Coleman | Farnsworth | Koran | Miller | Wesenberg |
| Dahms | Green | Kreun | Nelson | Westrom |
| Dornink | Gruenhagen | Lang | Pratt | |
| Draheim | Housley | Lieske | Rarick | |
| Drazkowski | Howe | Limmer | Rasmusson | |

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

| | | | | |
|------------|-----------|------------|----------------|-----------|
| Boldon | Frentz | Kupec | Mohamed | Putnam |
| Carlson | Gustafson | Latz | Morrison | Rest |
| Champion | Hauschild | Mann | Murphy | Seeberger |
| Cwodzinski | Hawj | Marty | Oumou Verbeten | Westlin |
| Dibble | Hoffman | Maye Quade | Pappas | Wiklund |
| Dziedzic | Klein | McEwen | Pha | Xiong |
| Fateh | Kunesh | Mitchell | Port | |

Pursuant to Rule 40, Senator Boldon cast the negative vote on behalf of the following Senators: Mann and Xiong.

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

H.F. No. 197 was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 42 and nays 25, as follows:

Those who voted in the affirmative were:

| | | | | |
|------------|-----------|------------|----------------|-----------|
| Abeler | Fateh | Kunesh | Mitchell | Putnam |
| Boldon | Frentz | Kupec | Mohamed | Rest |
| Carlson | Gustafson | Lang | Morrison | Seeberger |
| Champion | Hauschild | Latz | Murphy | Westlin |
| Coleman | Hawj | Mann | Oumou Verbeten | Wiklund |
| Cwodzinski | Hoffman | Marty | Pappas | Xiong |
| Dibble | Housley | Maye Quade | Pha | |
| Duckworth | Johnson | McEwen | Port | |
| Dziedzic | Klein | Miller | Pratt | |

Pursuant to Rule 40, Senator Boldon cast the affirmative vote on behalf of the following Senators: Mann and Xiong.

Those who voted in the negative were:

| | | | | |
|----------|------------|----------|---------|-----------|
| Anderson | Drazkowski | Howe | Limmer | Rasmusson |
| Bahr | Eichorn | Jasinski | Lucero | Utke |
| Dahms | Farnsworth | Koran | Mathews | Weber |
| Dornink | Green | Kreun | Nelson | Wesenberg |
| Draheim | Gruenhagen | Lieske | Rarick | Westrom |

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senator: Anderson.

So the resolution passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 37: A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality under the law.

S.F. No. 37 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 43 and nays 23, as follows:

Those who voted in the affirmative were:

| | | | | |
|------------|-----------|------------|----------------|-----------|
| Boldon | Fateh | Kunesh | Mitchell | Pratt |
| Carlson | Frentz | Kupec | Mohamed | Putnam |
| Champion | Gustafson | Lang | Morrison | Rest |
| Coleman | Hauschild | Latz | Murphy | Seeberger |
| Cwodzinski | Hawj | Mann | Nelson | Westlin |
| Dibble | Hoffman | Marty | Oumou Verbeten | Wiklund |
| Draheim | Housley | Maye Quade | Pappas | Xiong |
| Duckworth | Jasinski | McEwen | Pha | |
| Dziedzic | Klein | Miller | Port | |

Pursuant to Rule 40, Senator Boldon cast the affirmative vote on behalf of the following Senators: Dziedzic, Mann, Wiklund, and Xiong.

Those who voted in the negative were:

| | | | | |
|------------|------------|---------|-----------|-----------|
| Anderson | Eichorn | Johnson | Lucero | Weber |
| Bahr | Farnsworth | Koran | Mathews | Wesenberg |
| Dahms | Green | Kreun | Rarick | Westrom |
| Dornink | Gruenhagen | Lieske | Rasmusson | |
| Drazkowski | Howe | Limmer | Utke | |

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senator: Anderson.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1370, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1370 is herewith transmitted to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 16, 2023

CONFERENCE COMMITTEE REPORT ON H. F. No. 1370

A bill for an act relating to public safety; establishing a cause of action for nonconsensual dissemination of deep fake sexual images; establishing the crime of using deep fake technology to influence an election; establishing a crime for nonconsensual dissemination of deep fake sexual images; proposing coding for new law in Minnesota Statutes, chapters 604; 609; 617.

May 15, 2023

The Honorable Melissa Hortman
Speaker of the House of Representatives

The Honorable Bobby Joe Champion
President of the Senate

We, the undersigned conferees for H. F. No. 1370 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1370 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [604.32] CAUSE OF ACTION FOR NONCONSENSUAL DISSEMINATION OF A DEEP FAKE DEPICTING INTIMATE PARTS OR SEXUAL ACTS.

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

(b) "Deep fake" means any video recording, motion-picture film, sound recording, electronic image, or photograph, or any technological representation of speech or conduct substantially derivative thereof:

(1) that is so realistic that a reasonable person would believe it depicts speech or conduct of an individual; and

(2) the production of which was substantially dependent upon technical means, rather than the ability of another individual to physically or verbally impersonate such individual.

(c) "Depicted individual" means an individual in a deep fake who appears to be engaging in speech or conduct in which the individual did not engage.

(d) "Intimate parts" means the genitals, pubic area, partially or fully exposed nipple, or anus of an individual.

(e) "Personal information" means any identifier that permits communication or in-person contact with an individual, including:

(1) an individual's first and last name, first initial and last name, first name and last initial, or nickname;

(2) an individual's home, school, or work address;

(3) an individual's telephone number, email address, or social media account information; or

(4) an individual's geolocation data.

(f) "Sexual act" means either sexual contact or sexual penetration.

(g) "Sexual contact" means the intentional touching of intimate parts or intentional touching with seminal fluid or sperm onto another individual's body.

(h) "Sexual penetration" means any of the following acts:

(1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

(2) any intrusion, however slight, into the genital or anal openings of an individual by another's body part or an object used by another for this purpose.

Subd. 2. **Nonconsensual dissemination of a deep fake.** (a) A cause of action against a person for the nonconsensual dissemination of a deep fake exists when:

(1) a person disseminated a deep fake with knowledge that the depicted individual did not consent to its public dissemination;

(2) the deep fake realistically depicts any of the following:

(i) the intimate parts of another individual presented as the intimate parts of the depicted individual;

(ii) artificially generated intimate parts presented as the intimate parts of the depicted individual;
or

(iii) the depicted individual engaging in a sexual act; and

(3) the depicted individual is identifiable:

(i) from the deep fake itself, by the depicted individual or by another individual; or

(ii) from the personal information displayed in connection with the deep fake.

(b) The fact that the depicted individual consented to the creation of the deep fake or to the voluntary private transmission of the deep fake is not a defense to liability for a person who has disseminated the deep fake with knowledge that the depicted individual did not consent to its public dissemination.

Subd. 3. **Damages.** The court may award the following damages to a prevailing plaintiff from a person found liable under subdivision 2:

(1) general and special damages, including all finance losses due to the dissemination of the deep fake and damages for mental anguish;

(2) an amount equal to any profit made from the dissemination of the deep fake by the person who intentionally disclosed the deep fake;

(3) a civil penalty awarded to the plaintiff of an amount up to \$100,000; and

(4) court costs, fees, and reasonable attorney fees.

Subd. 4. **Injunction; temporary relief.** (a) A court may issue a temporary or permanent injunction or restraining order to prevent further harm to the plaintiff.

(b) The court may issue a civil fine for the violation of a court order in an amount up to \$1,000 per day for failure to comply with an order granted under this section.

Subd. 5. **Confidentiality.** The court shall allow confidential filings to protect the privacy of the plaintiff in cases filed under this section.

Subd. 6. **Liability; exceptions.** (a) No person shall be found liable under this section when:

(1) the dissemination is made for the purpose of a criminal investigation or prosecution that is otherwise lawful;

(2) the dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct;

(3) the dissemination is made in the course of seeking or receiving medical or mental health treatment, and the image is protected from further dissemination;

(4) the deep fake was obtained in a commercial setting for the purpose of the legal sale of goods or services, including the creation of artistic products for sale or display, and the depicted individual knew that a deep fake would be created and disseminated in a commercial setting;

(5) the deep fake relates to a matter of public interest; dissemination serves a lawful public purpose; the person disseminating the deep fake as a matter of public interest clearly identifies that the video recording, motion-picture film, sound recording, electronic image, photograph, or other item is a deep fake; and the person acts in good faith to prevent further dissemination of the deep fake;

(6) the dissemination is for legitimate scientific research or educational purposes, the deep fake is clearly identified as such, and the person acts in good faith to minimize the risk that the deep fake will be further disseminated; or

(7) the dissemination is made for legal proceedings and is consistent with common practice in civil proceedings necessary for the proper functioning of the criminal justice system, or protected by court order which prohibits any further dissemination.

(b) This section does not alter or amend the liabilities and protections granted by United States Code, title 47, section 230, and shall be construed in a manner consistent with federal law.

(c) A cause of action arising under this section does not prevent the use of any other cause of action or remedy available under the law.

Subd. 7. **Jurisdiction.** A court has jurisdiction over a cause of action filed pursuant to this section if the plaintiff or defendant resides in this state.

Subd. 8. **Venue.** A cause of action arising under this section may be filed in either:

(1) the county of residence of the defendant or plaintiff or in the jurisdiction of the plaintiff's designated address if the plaintiff participates in the address confidentiality program established by chapter 5B; or

(2) the county where any deep fake is produced, reproduced, or stored in violation of this section.

Subd. 9. **Discovery of dissemination.** In a civil action brought under subdivision 2, the statute of limitations is tolled until the plaintiff discovers the deep fake has been disseminated.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to dissemination of a deep fake that takes place on or after that date.

Sec. 2. **[609.771] USE OF DEEP FAKE TECHNOLOGY TO INFLUENCE AN ELECTION.**

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

(b) "Candidate" means an individual who seeks nomination or election to a federal, statewide, legislative, judicial, or local office including special districts, school districts, towns, home rule charter and statutory cities, and counties.

(c) "Deep fake" means any video recording, motion-picture film, sound recording, electronic image, or photograph, or any technological representation of speech or conduct substantially derivative thereof:

(1) that is so realistic that a reasonable person would believe it depicts speech or conduct of an individual who did not in fact engage in such speech or conduct; and

(2) the production of which was substantially dependent upon technical means, rather than the ability of another individual to physically or verbally impersonate such individual.

(d) "Depicted individual" means an individual in a deep fake who appears to be engaging in speech or conduct in which the individual did not engage.

Subd. 2. **Use of deep fake to influence an election; violation.** A person who disseminates a deep fake or enters into a contract or other agreement to disseminate a deep fake is guilty of a crime and may be sentenced as provided in subdivision 3 if the person knows or reasonably should know that the item being disseminated is a deep fake and dissemination:

(1) takes place within 90 days before an election;

(2) is made without the consent of the depicted individual; and

(3) is made with the intent to injure a candidate or influence the result of an election.

Subd. 3. **Use of deep fake to influence an election; penalty.** A person convicted of violating subdivision 2 may be sentenced as follows:

(1) if the person commits the violation within five years of one or more prior convictions under this section, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(2) if the person commits the violation with the intent to cause violence or bodily harm, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both;
or

(3) in other cases, to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both.

Subd. 4. **Injunctive relief.** A cause of action for injunctive relief may be maintained against any person who is reasonably believed to be about to violate or who is in the course of violating this section by:

(1) the attorney general;

(2) a county attorney or city attorney;

(3) the depicted individual; or

(4) a candidate for nomination or election to a public office who is injured or likely to be injured by dissemination.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 3. [617.262] NONCONSENSUAL DISSEMINATION OF A DEEP FAKE DEPICTING INTIMATE PARTS OR SEXUAL ACTS.

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

(b) "Deep fake" means any video recording, motion-picture film, sound recording, electronic image, or photograph, or any technological representation of speech or conduct substantially derivative thereof:

(1) that is so realistic that a reasonable person would believe it depicts speech or conduct of an individual; and

(2) the production of which was substantially dependent upon technical means, rather than the ability of another individual to physically or verbally impersonate such individual.

(c) "Depicted individual" means an individual in a deep fake who appears to be engaging in speech or conduct in which the individual did not engage.

(d) "Dissemination" means distribution to one or more persons, other than the individual depicted in the deep fake, or publication by any publicly available medium.

(e) "Harass" means an act that would cause a substantial adverse effect on the safety, security, or privacy of a reasonable person.

(f) "Intimate parts" means the genitals, pubic area, anus, or partially or fully exposed nipple of an individual.

(g) "Personal information" means any identifier that permits communication or in-person contact with an individual, including:

(1) an individual's first and last name, first initial and last name, first name and last initial, or nickname;

(2) an individual's home, school, or work address;

(3) an individual's telephone number, email address, or social media account information; or

(4) an individual's geolocation data.

(h) "Sexual act" means either sexual contact or sexual penetration.

(i) "Sexual contact" means the intentional touching of intimate parts or intentional touching with seminal fluid or sperm onto another individual's body.

(j) "Sexual penetration" means any of the following acts:

(1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

(2) any intrusion, however slight, into the genital or anal openings of an individual by another's body part or an object used by another for this purpose.

(k) "Social media" means any electronic medium, including an interactive computer service, telephone network, or data network, that allows users to create, share, and view user-generated content.

Subd. 2. **Crime.** It is a crime to intentionally disseminate a deep fake when:

(1) the actor knows or reasonably should know that the depicted individual did not consent to the dissemination;

(2) the deep fake realistically depicts any of the following:

(i) the intimate parts of another individual presented as the intimate parts of the depicted individual;

(ii) artificially generated intimate parts presented as the intimate parts of the depicted individual;
or

(iii) the depicted individual engaging in a sexual act; and

(3) the depicted individual is identifiable:

(i) from the deep fake itself, by the depicted individual or by another individual; or

(ii) from the personal information displayed in connection with the deep fake.

Subd. 3. **Penalties.** (a) Except as provided in paragraph (b), whoever violates subdivision 2 is guilty of a gross misdemeanor.

(b) Whoever violates subdivision 2 may be sentenced to imprisonment for not more than three years or to payment of a fine of \$5,000, or both, if one of the following factors is present:

(1) the depicted individual suffers financial loss due to the dissemination of the deep fake;

(2) the actor disseminates the deep fake with intent to profit from the dissemination;

(3) the actor maintains an Internet website, online service, online application, or mobile application for the purpose of disseminating the deep fake;

(4) the actor posts the deep fake on a website;

(5) the actor disseminates the deep fake with intent to harass the depicted individual;

(6) the actor obtained the deep fake by committing a violation of section 609.52, 609.746, 609.89, or 609.891; or

(7) the actor has previously been convicted under this chapter.

Subd. 3a. **No defense.** It is not a defense to a prosecution under this section that the depicted individual consented to the creation or possession of the deep fake, or the private transmission of the deep fake to an individual other than those to whom the deep fake was disseminated.

Subd. 4. **Venue.** Notwithstanding anything to the contrary in section 627.01, an offense committed under this section may be prosecuted in:

(1) the county where the offense occurred;

(2) the county of residence of the actor or victim or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established by chapter 5B; or

(3) only if venue cannot be located in the counties specified under clause (1) or (2), the county where any deep fake is produced, reproduced, found, stored, received, or possessed in violation of this section.

Subd. 5. **Exemptions.** Subdivision 2 does not apply when:

(1) the dissemination is made for the purpose of a criminal investigation or prosecution that is otherwise lawful;

(2) the dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct;

(3) the dissemination is made in the course of seeking or receiving medical or mental health treatment, and the image is protected from further dissemination;

(4) the deep fake was obtained in a commercial setting for the purpose of the legal sale of goods or services, including the creation of artistic products for sale or display, and the depicted individual knew, or should have known, that a deep fake would be created and disseminated;

(5) the deep fake relates to a matter of public interest and dissemination serves a lawful public purpose;

(6) the dissemination is for legitimate scientific research or educational purposes; or

(7) the dissemination is made for legal proceedings and is consistent with common practice in civil proceedings necessary for the proper functioning of the criminal justice system, or protected by court order which prohibits any further dissemination.

Subd. 6. **Immunity.** Nothing in this section shall be construed to impose liability upon the following entities solely as a result of content or information provided by another person:

(1) an interactive computer service as defined in United States Code, title 47, section 230, paragraph (f), clause (2);

(2) a provider of public mobile services or private radio services; or

(3) a telecommunications network or broadband provider.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date."

We request the adoption of this report and repassage of the bill.

House Conferees: Zack Stephenson, Brian Pfarr

Senate Conferees: Erin Maye Quade, Matt Klein, Eric Lucero

Senator Maye Quade moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1370 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1370 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 66 and nays 1, as follows:

Those who voted in the affirmative were:

| | | | | |
|------------|------------|---------|----------------|-----------|
| Abeler | Dziedzic | Johnson | Maye Quade | Rarick |
| Anderson | Eichorn | Klein | McEwen | Rasmusson |
| Bahr | Farnsworth | Koran | Miller | Rest |
| Boldon | Fateh | Kreun | Mitchell | Seeberger |
| Carlson | Frentz | Kunesh | Mohamed | Utke |
| Champion | Green | Kupec | Morrison | Weber |
| Coleman | Gruenhagen | Lang | Murphy | Westlin |
| Cwodzinski | Gustafson | Latz | Nelson | Westrom |
| Dahms | Hauschild | Lieske | Oumou Verbeten | Wiklund |
| Dibble | Hawj | Limmer | Pappas | Xiong |
| Dornink | Hoffman | Lucero | Pha | |
| Draheim | Housley | Mann | Port | |
| Drazkowski | Howe | Marty | Pratt | |
| Duckworth | Jasinski | Mathews | Putnam | |

Pursuant to Rule 40, Senator Boldon cast the affirmative vote on behalf of the following Senators: Dziedzic, Mann, Wiklund, and Xiong.

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Wesenberg

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator McEwen moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Murphy be added as chief author to S.F. No. 1384. The motion prevailed.

RECESS

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

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

MEMBERS EXCUSED

Senator Rest was excused from the Session of today from 2:50 to 3:00 p.m. Senator Abeler was excused from the Session of today from 2:50 to 3:25 p.m. and from 3:45 to 4:15 p.m.

ADJOURNMENT

Senator Boldon moved that the Senate do now adjourn until 10:00 a.m., Thursday, May 18, 2023. The motion prevailed.

Thomas S. Bottern, Secretary of the Senate