

NINETY-NINTH DAY

St. Paul, Minnesota, Tuesday, May 2, 2006

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by Senator Gary W. Kubly.

The roll was called, and the following Senators answered to their names:

Anderson	Foley	Kubly	Nienow	Scheid
Bachmann	Frederickson	Langseth	Olson	Senjem
Bakk	Gerlach	Larson	Ortman	Skoe
Belanger	Hann	LeClair	Pappas	Skoglund
Berglin	Higgins	Limmer	Pariseau	Solon
Betzold	Hottinger	Lourey	Pogemiller	Sparks
Bonoff	Johnson, D.E.	Marko	Ranum	Stumpf
Chaudhary	Johnson, D.J.	Marty	Reiter	Tomassoni
Clark	Jungbauer	McGinn	Rest	Vickerman
Cohen	Kelley	Metzen	Robling	Wergin
Day	Kierlin	Michel	Rosen	Wiger
Dibble	Kiscaden	Moua	Ruud	
Dille	Koch	Murphy	Sams	
Fischbach	Koering	Neuville	Saxhaug	

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3712 and 4162.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 1, 2006

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 3712: A bill for an act relating to the environment; requiring disclosure regarding disposal of fluorescent lamps containing mercury; requiring mercury emissions reduction by public utilities; amending Minnesota Statutes 2004, sections 116.92, by adding a subdivision; 216B.1692, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 216B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3398.

H.F. No. 4162: A bill for an act relating to the financing of state government; making supplemental appropriations; regulating government operations; providing for and modifying certain programs; regulating abortion funding and notification; providing for a Rochester campus of the University of Minnesota; creating the Boxing Commission and regulating boxing; ratifying certain labor agreements and compensation plans; providing criminal penalties; appropriating money; amending Minnesota Statutes 2004, sections 3.737, subdivision 1; 3.7371, subdivision 3; 13.3806, by adding a subdivision; 16A.152, subdivision 1b; 137.022, subdivision 4; 137.17, subdivisions 1, 3; 256.01, subdivision 18, by adding a subdivision; 256B.431, by adding a subdivision; 256J.021; 256J.626, subdivision 2; Minnesota Statutes 2005 Supplement, sections 16A.152, subdivision 2; 35.05; 119B.13, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 4; 144; 197; 256; 256D; 341; repealing Minnesota Statutes 2004, sections 62J.694; 144.395.

Senator Johnson, D.E. moved that H.F. No. 4162 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S.F. No. 2974: A bill for an act relating to game and fish; modifying critical habitat private sector matching account provisions; providing definitions; providing for and modifying disposition of certain revenue; modifying restrictions on motorized watercraft and recreational vehicles in wildlife management areas; modifying procedure for confiscation of property; providing for inspection of equipment used to take wild animals; modifying certain penalty and fee amounts; modifying certain game and fish license provisions; modifying firearms possession provisions for persons under 16; providing for collecting antler sheds; modifying certain provisions for taking and possessing game and fish; providing for arms use areas; modifying provisions for fishing contests; creating a ditch buffer task force; providing for a moratorium on use of public waters for aquaculture; amending Minnesota Statutes 2004, sections 84.943, subdivision 3; 97A.015, by adding subdivisions; 97A.055, subdivision 2; 97A.065, subdivision 2; 97A.075, subdivision 1; 97A.101, subdivision 4; 97A.221, subdivisions 3, 4; 97A.225, subdivisions 2, 5; 97A.251, subdivision 1; 97A.321; 97A.475, subdivisions 2, 20; 97A.535, subdivision 1; 97B.021, subdivision 1, by adding a subdivision; 97B.301, subdivision 7; 97C.081, subdivisions 4, 6, 8, 9; 97C.205; 97C.355, subdivision 7; 97C.371, subdivision 4; Minnesota Statutes 2005 Supplement, sections 97A.405, subdivision 4; 97A.475, subdivision 3; 97A.551, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, section 97C.355, subdivision 6.

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

Page 5, after line 10, insert:

"Sec. 12. Minnesota Statutes 2004, section 97A.085, subdivision 4, is amended to read:

Subd. 4. **Establishment by petition of county residents.** The commissioner may designate as a game refuge public waters or a contiguous area described in a petition, signed by 50 or more residents

of the county where the public waters or area is located. The game refuge must be a contiguous area of at least 640 acres unless it borders or includes a marsh, or other body of water or watercourse suitable for wildlife habitat. The game refuge may be designated only if the commissioner finds that protected wild animals are depleted and are in danger of extermination, or that it will best serve the public interest. If any of the land area in the proposed game refuge is privately owned and the commissioner receives a petition opposing designation of the refuge signed by the owners, lessees, or persons in possession of at least 75 percent of the private land area within the proposed game refuge, the commissioner shall not designate the private lands as a game refuge."

Page 8, after line 4, insert:

"Sec. 21. Minnesota Statutes 2004, section 97A.465, is amended by adding a subdivision to read:

Subd. 6. Special hunts for military personnel. The commissioner may by rule establish criteria, special seasons, and limits for military personnel and veterans to take big game and small game by firearms or archery in designated areas or times. A person hunting under this subdivision must be participating in a hunt sponsored and administered by the Minnesota Department of Military Affairs or the Minnesota Department of Veterans Affairs."

Page 9, after line 10, insert:

"EFFECTIVE DATE. This section is effective March 1, 2007."

Page 12, line 12, delete the new language and insert ", to restrict activities during high use periods, to restrict activities that affect research or management activities, to restrict the number of boats allowed,"

Page 16, after line 21, insert:

"Sec. 39. **[348.125] COYOTE CONFLICT MANAGEMENT OPTION.**

(a) A county board may, by resolution, offer a bounty for the taking of coyote (Canis latrans) by all legal methods. The resolution may be made applicable to the whole or any part of the county. The bounty must apply during the months specified in the resolution and be in an amount determined by the board.

(b) The county offering the bounty must publish annually by press release or public service announcement the townships or areas where the number of coyotes should be reduced. Counties may encourage willing landowners to post their land as open to coyote hunting, without further permission of the landowner or lessee."

Re-number the sections in sequence

Amend the title accordingly

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

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

S.F. No. 3331: A bill for an act relating to commerce; modifying provisions relating to petroleum fund compensation for transport vehicles; appropriating money; amending Minnesota Statutes 2005 Supplement, section 115C.09, subdivision 3j.

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

Page 1, before line 6, insert:

"Section 1. Minnesota Statutes 2004, section 80C.01, subdivision 4, is amended to read:

Subd. 4. **Franchise.** (a) "Franchise" means (1) a contract or agreement, either express or implied,

whether oral or written, for a definite or indefinite period, between two or more persons:

(i) by which a franchisee is granted the right to engage in the business of offering or distributing goods or services using the franchisor's trade name, trademark, service mark, logotype, advertising, or other commercial symbol or related characteristics;

(ii) in which the franchisor and franchisee have a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise; and

(iii) for which the franchisee pays, directly or indirectly, a franchise fee; or

(2) a contract, lease, or other agreement, either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons, whereby the franchisee is authorized, permitted, or granted the right to market motor vehicle fuel at retail under the franchisor's trade name, trademark, service mark, logotype, or other commercial symbol or related characteristics owned or controlled by the franchisor; or

(3) the sale or lease of any products, equipment, chattels, supplies, or services to the purchaser, other than the sale of sales demonstration equipment, materials or samples for a total price of \$500 or less to any one person, for the purpose of enabling the purchaser to start a business and in which the seller:

(i) represents that the seller, lessor, or an affiliate thereof will provide locations or assist the purchaser in finding locations for the use or operation of vending machines, racks, display cases, or similar devices, or currency operated amusement machines or devices, on premises neither owned or leased by the purchaser or seller; or

(ii) represents that the seller will purchase any or all products made, produced, fabricated, grown, bred, or modified by the purchaser using, in whole or in part, the supplies, services, or chattels sold to the purchaser; or

(iii) guarantees that the purchaser will derive income from the business which exceeds the price paid to the seller; or

(4) an oral or written contract or agreement, either expressed or implied, for a definite or indefinite period, between two or more persons, under which a manufacturer, selling security systems through dealers or distributors in this state, requires regular payments from the distributor or dealer as royalties or residuals for products purchased and paid for by the dealer or distributor.

(b) "Franchise" does not include any business which is operated under a lease or license on the premises of the lessor or licensor as long as such business is incidental to the business conducted by the lessor or licensor on such premises, including, without limitation, leased departments, licensed departments, and concessions.

(c) "Franchise" does not include any contract, lease or other agreement whereby the franchisee is required to pay less than \$100 on an annual basis, except those franchises identified in paragraph (a), clause (2).

(d) "Franchise" does not include a contract, lease or other agreement between a new motor vehicle manufacturer, distributor, or factory branch and a franchisee whereby the franchisee is granted the right to market automobiles, motorcycles, trucks, truck-tractors, or self-propelled motor homes or campers if the foregoing are designed primarily for the transportation of persons or property on public highways.

(e) "Franchise" does not include a contract, lease, or other agreement or arrangement between two or more air carriers, or between one or more air carriers and one or more foreign air carriers. The terms "air carrier" and "foreign air carrier" shall have the meanings assigned to them by the Federal Aviation Act, United States Code Appendix, title 49, sections 1301(3) and 1301(22), respectively.

(f) For purposes of paragraph (a), clause (2), "franchise" does not include the marketing of motor vehicle fuel in circumstances where all the following are present:

(1) the franchisor or an affiliate of the franchisor is not a refiner of motor vehicle fuel, diesel fuel, or gasoline;

(2) the franchisor's trade name, trademark, service mark, logotype, or other commercial symbol or related characteristics is not used to identify the marketing premises generally, but only the gasoline dispensers, canopy, and gasoline price signage, provided, however, this circumstance is not changed by a voluntary decision by the retailer to identify the buildings on the premises in the manner selected by the retailer;

(3) the franchisor does not impose any requirements or franchise fee on nonmotor vehicle fuel products or sales, provided this circumstance is not changed by a voluntary decision by the retailer to purchase nonmotor vehicle fuel products from the franchisor or an affiliate of the franchisor; and

(4) the facility is not leased from the franchisor or affiliate of the franchisor.

~~(f)~~ (g) For purposes of this chapter, a person who sells motor vehicle fuel at wholesale who does not own or control, or is not an affiliate of a person who owns or controls, the trademark, trade name, service mark, logotype, or other commercial symbol or related characteristics under which the motor vehicle fuel is sold at retail, is not a franchisor or a franchisee, and is not considered to be part of a franchise relationship.

Sec. 2. [80C.144] EXEMPT MOTOR FUEL FRANCHISES; ALTERNATIVE COMPLIANCE.

A motor fuel franchise exempt from regulation under this chapter pursuant to section 80C.01, subdivision 4, paragraph (f), is subject to regulation under chapter 80F."

Page 2, line 2, after the period, insert "These are onetime appropriations."

Renumber the sections in sequence

Amend the title accordingly

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

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

S.F. No. 2716: A bill for an act relating to higher education; authorizing the Minnesota State Colleges and Universities Board of Trustees to construct an academic building in Mankato.

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

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

S.F. No. 1973: A bill for an act relating to health; providing for the medical use of marijuana; providing civil and criminal penalties; amending Minnesota Statutes 2004, section 13.3806, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 152.

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

Page 7, after line 33, insert:

"Sec. 7. **[152.28] FEES.**

Notwithstanding section 16A.1283, the commissioners of health and public safety shall establish application, renewal, and background check fees that generate revenues sufficient to offset

all expenses of implementing and administering sections 152.22 to 152.31. The commissioner of health may vary the application and renewal fees along a sliding scale that accounts for a qualifying patient's income. Fee receipts must be credited to the state government special revenue fund. The commissioner of health may accept donations from private sources to reduce the application and renewal fees."

Page 10, after line 24, insert:

"Sec. 10. **APPROPRIATIONS.**

Subdivision 1. **Commissioner of health.** \$295,000 is appropriated from the state government special revenue fund to the commissioner of health to administer this act, to be available until June 30, 2007.

Subd. 2. **Commissioner of public safety.** \$87,000 is appropriated from the state government special revenue fund to the commissioner of public safety to administer this act, to be available until June 30, 2007."

Page 10, line 26, delete "8" and insert "10"

Renumber the sections in sequence

Amend the title accordingly

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

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

S.F. No. 2738: A bill for an act relating to public safety; appropriating money to allow courts to better address alcohol and other drug addicted offenders.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

GENERAL CRIMINAL AND SENTENCING PROVISIONS

Section 1. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 5, is amended to read:

Subd. 5. Procedures in cases where state intends to seek an aggravated departure. (a) When the prosecutor provides reasonable notice under subdivision 4, the district court shall allow the state to prove beyond a reasonable doubt to a jury of 12 members the factors in support of the state's request for an aggravated departure from the Sentencing Guidelines or the state's request for an aggravated sentence under any sentencing enhancement statute or the state's request for a mandatory minimum under section 609.11 as provided in paragraph (b) or (c).

(b) The district court shall allow a unitary trial and final argument to a jury regarding both evidence in support of the elements of the offense and evidence in support of aggravating factors when the evidence in support of the aggravating factors:

- (1) would be admissible as part of the trial on the elements of the offense; or
- (2) would not result in unfair prejudice to the defendant.

The existence of each aggravating factor shall be determined by use of a special verdict form.

Upon the request of the prosecutor, the court shall allow bifurcated argument and jury deliberations.

(c) The district court shall bifurcate the proceedings, or impanel a resentencing jury, to allow for the production of evidence, argument, and deliberations on the existence of factors in support of an aggravated departure after the return of a guilty verdict when the evidence in support of an aggravated departure:

- (1) includes evidence that is otherwise inadmissible at a trial on the elements of the offense; and
- (2) would result in unfair prejudice to the defendant.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date.

Sec. 2. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 6, is amended to read:

Subd. 6. **Defendants to present evidence and argument.** In either a unitary or bifurcated trial under subdivision 5, a defendant shall be allowed to present evidence and argument to the jury or factfinder regarding whether facts exist that would justify an aggravated ~~durational~~ departure or an aggravated sentence under any sentencing enhancement statute or a mandatory minimum sentence under section 609.11. A defendant is not allowed to present evidence or argument to the jury or factfinder regarding facts in support of a mitigated departure during the trial, but may present evidence and argument in support of a mitigated departure to the judge as factfinder during a sentencing hearing.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date.

Sec. 3. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 7, is amended to read:

Subd. 7. **Waiver of jury determination.** The defendant may waive the right to a jury determination of whether facts exist that would justify an aggravated sentence. Upon receipt of a waiver of a jury trial on this issue, the district court shall determine beyond a reasonable doubt whether the factors in support of the state's motion for aggravated departure or an aggravated sentence under any sentencing enhancement statute or a mandatory minimum sentence under section 609.11 exist.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date.

Sec. 4. Minnesota Statutes 2004, section 346.155, subdivision 1, is amended to read:

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

(b) "Person" means any natural person, firm, partnership, corporation, or association, however organized.

(c) "Wildlife sanctuary" means a 501(c)(3) nonprofit organization that:

(1) operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wildlife are provided care for their lifetime;

(2) does not conduct any commercial activity with respect to any animal of which the organization is an owner; and

(3) does not buy, sell, trade, auction, lease, loan, or breed any animal of which the organization is an owner, except as an integral part of the species survival plan of the American Zoo and Aquarium Association.

(d) "Possess" means to own, care for, have custody of, or control.

(e) "Regulated animal" means:

(1) all members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, cheetahs, ocelots, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association;

(2) bears; and

(3) all nonhuman primates, including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.

Regulated animal includes any hybrid or cross between an animal listed in clause (1), (2), or (3) and a domestic animal and offspring from all subsequent generations of those crosses or hybrids.

(f) "Local animal control authority" means an agency of the state, county, municipality, or other governmental subdivision of the state that is responsible for animal control operations in its jurisdiction.

(g) "Bodily harm," "substantial bodily harm," and "great bodily harm" have the meanings given them in section 609.02.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2004, section 346.155, subdivision 4, is amended to read:

Subd. 4. **Requirements.** (a) A person who possesses a regulated animal must maintain health and ownership records on each animal and must maintain the records for the life of the animal. If possession of the regulated animal is transferred to another person, a copy of the health and ownership records must accompany the animal.

(b) A person who possesses a regulated animal must maintain an ongoing program of veterinary care which includes a veterinary visit to the premises at least annually.

(c) A person who possesses a regulated animal must notify the local animal control authority in writing within ten days of a change in address or location where the regulated animal is kept. The notification of change in address or location form must be prepared by the Minnesota Animal Control Association and approved by the Board of Animal Health.

(d) A person with a United States Department of Agriculture license for regulated animals shall forward a copy of the United States Department of Agriculture inspection report to the local animal control authority within 30 days of receipt of the inspection report.

(e) A person who possesses a regulated animal shall prominently display a sign on the structure where the animal is housed indicating that a dangerous regulated animal is on the premises.

(f) A person who possesses a regulated animal must notify, as soon as practicable, local law enforcement officials of any escape of a regulated animal. The person who possesses the regulated animal is liable for any costs incurred by any person, city, county, or state agency resulting from the escape of a regulated animal unless the escape is due to a criminal act by another person or a natural event.

(g) A person who possesses a regulated animal must maintain a written recovery plan in the event of the escape of a regulated animal. The person must maintain live traps, or other equipment necessary to assist in the recovery of the regulated animal.

~~(h) If requested by the local animal control authority,~~ A person may not move a regulated animal from its location unless the person notifies the local animal control authority prior to moving the animal. The notification must include the date and the location where the animal is to be moved. This paragraph does not apply to a regulated animal transported to a licensed veterinarian.

(i) If a person who possesses a regulated animal can no longer care for the animal, the person shall take steps to find long-term placement for the regulated animal.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 6. Minnesota Statutes 2004, section 346.155, subdivision 5, is amended to read:

Subd. 5. **Seizure.** (a) The local animal control authority, upon issuance of a notice of inspection, must be granted access at reasonable times to sites where the local animal control authority has reason to believe a violation of this chapter is occurring or has occurred.

(b) If a person who possesses a regulated animal is not in compliance with the requirements of this section, the local animal control authority shall take possession of the animal for custody and care, provided that the procedures in this subdivision are followed.

(c) Upon request of a person possessing a regulated animal, the local animal control authority may allow the animal to remain in the physical custody of the owner for 30 days, during which time the owner shall take all necessary actions to come in compliance with this section. During the 30-day period, the local animal control authority may inspect, at any reasonable time, the premises where the animal is kept.

(d) If a person who possesses a regulated animal is not in compliance with this section following the 30-day period described in paragraph (c), the local animal control authority shall seize the animal and place it in a holding facility that is appropriate for the species for up to ten days.

(e) The authority taking custody of an animal under this section shall provide a notice of the seizure by delivering or mailing it to the owner, by posting a copy of it at the place where the animal is taken into custody, or by delivering it to a person residing on the property. The notice must include:

(1) a description of the animal seized; the authority for and purpose of the seizure; the time, place, and circumstances under which the animal was seized; and a contact person and telephone number;

(2) a statement that a person from whom a regulated animal was seized may post security to prevent disposition of the animal and may request a hearing concerning the seizure and that failure to do so within five business days of the date of the notice will result in disposition of the animal;

(3) a statement that actual costs of the care, keeping, and disposal of the regulated animal are the responsibility of the person from whom the animal was seized, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and

(4) a form that can be used by a person from whom a regulated animal was seized for requesting a hearing under this subdivision.

~~(e)~~ (f) If a person from whom the regulated animal was seized makes a request within five business days of the seizure, a hearing must be held within five business days of the request to determine the validity of the seizure and disposition of the animal. The judge or hearing officer may authorize the return of the animal to the person from whom the animal was seized if the judge or hearing officer finds:

(1) that the person can and will provide the care required by law for the regulated animal; and

(2) the regulated animal is physically fit.

~~(f)~~ (g) If a judge or hearing officer orders a permanent disposition of the regulated animal, the local animal control authority may take steps to find long-term placement for the animal with a wildlife sanctuary, persons authorized by the Department of Natural Resources, or an appropriate United States Department of Agriculture licensed facility.

~~(g)~~ (h) A person from whom a regulated animal is seized is liable for all actual costs of care,

keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the local animal control authority and the person claiming an interest in the animal before return of the animal to the person.

~~(h)~~ (i) A person from whom a regulated animal has been seized under this subdivision may prevent disposition of the animal by posting security in the amount sufficient to provide for the actual costs of care and keeping of the animal. The security must be posted within five business days of the seizure, inclusive of the day of the seizure.

~~(i)~~ (j) If circumstances exist threatening the life of a person or the life of any animal, local law enforcement or the local animal control authority ~~shall~~ may seize a regulated animal without an opportunity for hearing or court order, or destroy the animal.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 7. Minnesota Statutes 2004, section 346.155, is amended by adding a subdivision to read:

Subd. 9a. **Confinement and control.** A person violates this subdivision who possesses a regulated animal and negligently fails to control the animal or keep it properly confined and as a result the animal causes bodily harm, substantial bodily harm, or great bodily harm to another person.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2004, section 346.155, subdivision 10, is amended to read:

Subd. 10. **Penalty.** (a) A person who knowingly violates subdivision 2, 3, paragraph (b) or (c), or 4 is guilty of a misdemeanor.

(b) A person who knowingly violates subdivision 3, paragraph (a), is guilty of a gross misdemeanor.

(c) A person who violates subdivision 9a, resulting in bodily harm is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both.

(d) A person who violates subdivision 9a, resulting in substantial bodily harm is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(e) A person who violates subdivision 9a, resulting in great bodily harm or death is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both, unless a greater penalty is provided elsewhere.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2004, section 488A.03, subdivision 6, is amended to read:

Subd. 6. **Disposition of fines, fees and other money; accounts.** (a) Except as otherwise provided ~~herein~~ within this subdivision and except as otherwise provided by law, the court administrator shall pay ~~to the Hennepin county treasurer~~ all fines and penalties collected by the court administrator, all fees collected by the court administrator for court administrator's services, all sums forfeited to the court as ~~hereinafter~~ provided in this subdivision, and all other money received by the court administrator, ~~to the subdivision of government entitled to it as follows on or before the 20th day after the last day of the month in which the money was collected. Eighty percent of all fines and penalties collected during the previous month shall be paid to the treasurer of the municipality or subdivision of government where the crime was committed. The remainder~~

of the fines and penalties shall be credited to the general fund of the state. In all cases in which the county attorney had charge of the prosecution, all fines and penalties shall be credited to the state general fund.

~~(b) The court administrator shall provide the county treasurer with~~ identify the name of the municipality or other subdivision of government where the offense was committed ~~and the name and official position of the officer who prosecuted the offense for each fine or penalty,~~ and the total amount of fines or penalties collected for each such municipality or other subdivision of government, ~~or for the county, or for the state.~~

~~(c) At the beginning of the first day of any month the amount owing to any municipality or county in the hands of the court administrator shall not exceed \$5,000.~~

~~(d) On or before the last day of each month the county treasurer shall pay over to the treasurer of each municipality or subdivision of government in Hennepin County all fines or penalties collected during the previous month for offenses committed within such municipality or subdivision of government, except that all such fines and penalties attributable to cases in which the county attorney had charge of the prosecution shall be retained by the county treasurer and credited to the county general revenue fund.~~

~~(e)~~ (c) Amounts represented by checks issued by the court administrator or received by the court administrator which have not cleared by the end of the month may be shown on the monthly account as having been paid or received, subject to adjustment on later monthly accounts.

~~(f)~~ (d) The court administrator may receive negotiable instruments in payment of fines, penalties, fees or other obligations as conditional payments, and is not held accountable ~~therefor for this~~ until collection in cash is made and then only to the extent of the net collection after deduction of the necessary expense of collection.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 10. Minnesota Statutes 2004, section 488A.03, subdivision 11, is amended to read:

Subd. 11. Fees payable to administrator. (a) The civil fees payable to the administrator for services are the same in amount as the fees then payable to the District Court of Hennepin County for like services. Library and filing fees are not required of the defendant in an eviction action. The fees payable to the administrator for all other services of the administrator or the court shall be fixed by rules promulgated by a majority of the judges.

(b) Fees are payable to the administrator in advance.

(c) Judgments will be entered only upon written application.

~~(d) The following fees shall be taxed for all charges filed in court where applicable: (a) The state of Minnesota and any governmental subdivision within the jurisdictional area of any district court herein established may present cases for hearing before said district court; (b) In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town in Hennepin County, all fines, penalties, and forfeitures collected shall be paid over to the treasurer of the governmental subdivision which submitted charges for prosecution under ordinance violation and to the county treasurer in all other charges except where a different disposition is provided by law, in which case, payment shall be made to the public official entitled thereto. The following fees shall be taxed to the county or to the state or governmental subdivision which would be entitled to payment of the fines, forfeiture or penalties in any case, and shall be paid to the court administrator for disposing of the matter:~~

~~(1) For each charge where the defendant is brought into court and pleads guilty and is sentenced, or the matter is otherwise disposed of without trial \$5.~~

~~(2) In arraignments where the defendant waives a preliminary examination \$10.~~

~~(3) For all other charges where the defendant stands trial or has a preliminary examination by the court \$15.~~

~~(e) This paragraph applies to the distribution of fines paid by defendants without a court appearance in response to a citation. On or before the tenth day after the last day of the month in which the money was collected, the county treasurer shall pay 80 percent of the fines to the treasurer of the municipality or subdivision within the county where the violation was committed. The remainder of the fines shall be credited to the general revenue fund of the county.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 11. Minnesota Statutes 2004, section 518B.01, subdivision 14, is amended to read:

Subd. 14. **Violation of an order for protection.** (a) A person who violates an order for protection issued by a judge or referee is subject to the penalties provided in paragraphs (b) to (d).

(b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for protection is granted by a judge or referee or pursuant to a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, and the respondent or person to be restrained knows of the existence of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays imposition or execution of the jail sentence and the defendant refuses or fails to comply with the court's treatment order, the court must impose and execute the stayed jail sentence. A violation of an order for protection shall also constitute contempt of court and be subject to the penalties provided in chapter 588.

~~(c) A person is guilty of a gross misdemeanor who knowingly violates this subdivision during the time period between within ten years of a previous qualified domestic violence-related offense conviction and the end of the five years following discharge from sentence for that offense or adjudication of delinquency.~~ Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person knowingly violates this subdivision:

~~(1) during the time period between within ten years of the first of two or more previous qualified domestic violence-related offense convictions and the end of the five years following discharge from sentence for that offense or adjudications of delinquency; or~~

(2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The probable cause required

under this paragraph includes probable cause that the person knows of the existence of the order. If the order has not been served, the officer shall immediately serve the order whenever reasonably safe and possible to do so. An order for purposes of this subdivision, includes the short form order described in subdivision 8a. When the order is first served upon the person at a location at which, under the terms of the order, the person's presence constitutes a violation, the person shall not be arrested for violation of the order without first being given a reasonable opportunity to leave the location in the presence of the peace officer. A person arrested under this paragraph shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

(f) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.

(g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation, or in the county in which the alleged violation occurred, if the petitioner and respondent do not reside in this state. The court also shall refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

(h) If it is alleged that the respondent has violated an order for protection issued under subdivision 6 or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, and the court finds that the order has expired between the time of the alleged violation and the court's hearing on the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's alleged violation of the prior order, to be effective until the hearing on the alleged violation of the prior order. If the court finds that the respondent has violated the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year, except when the court determines a longer fixed period is appropriate.

(i) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by paragraph (e).

(j) When a person is convicted under paragraph (b) or (c) of violating an order for protection and the court determines that the person used a firearm in any way during commission of the violation, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph

is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant whether and for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(k) Except as otherwise provided in paragraph (j), when a person is convicted under paragraph (b) or (c) of violating an order for protection, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.

(l) Except as otherwise provided in paragraph (j), a person is not entitled to possess a pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.

(m) If the court determines that a person convicted under paragraph (b) or (c) of violating an order for protection owns or possesses a firearm and used it in any way during the commission of the violation, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2004, section 518B.01, is amended by adding a subdivision to read:

Subd. 19a. **Entry and enforcement of foreign protective orders.** (a) As used in this subdivision, "foreign protective order" means an order for protection entered by a court of another state; an order by an Indian tribe or United States territory that would be a protective order entered under this chapter; a temporary or permanent order or protective order to exclude a respondent from a dwelling; or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault if it had been entered in Minnesota.

(b) A person for whom a foreign protection order has been issued or the issuing court or tribunal may provide a certified or authenticated copy of a foreign protective order to the court administrator in any county that would have venue if the original action was being commenced in this state or in which the person in whose favor the order was entered may be present, for filing and entering of the same into the state order for protection database.

(c) The court administrator shall file and enter foreign protective orders that are not certified or authenticated, if supported by an affidavit of a person with personal knowledge, subject to the penalties for perjury. The person protected by the order may provide this affidavit.

(d) The court administrator shall provide copies of the order as required by this section.

(e) A valid foreign protective order has the same effect and shall be enforced in the same manner as an order for protection issued in this state whether or not filed with a court administrator or otherwise entered in the state order for protection database.

(f) A foreign protective order is presumed valid if it meets all of the following:

(1) the order states the name of the protected individual and the individual against whom enforcement is sought;

(2) the order has not expired;

(3) the order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction; and

(4) the order was issued in accordance with the respondent's due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and an opportunity to be heard within a reasonable time after the order was issued.

(g) Proof that a foreign protective order failed to meet all of the factors listed in paragraph (f) is an affirmative defense in any action seeking enforcement of the order.

(h) A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

(i) The fact that a foreign protective order has not been filed with the court administrator or otherwise entered into the state order for protection database shall not be grounds to refuse to enforce the terms of the order unless it is apparent to the officer that the order is invalid on its face.

(j) A peace officer acting reasonably and in good faith in connection with the enforcement of a foreign protective order is immune from civil and criminal liability in any action arising in connection with the enforcement.

(k) Filing and service costs in connection with foreign protective orders are waived.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 13. Minnesota Statutes 2005 Supplement, section 518B.01, subdivision 22, is amended to read:

Subd. 22. **Domestic abuse no contact order.** (a) A domestic abuse no contact order is an order issued by a court against a defendant in a criminal proceeding for:

(1) domestic abuse;

(2) harassment or stalking charged under section 609.749 and committed against a family or household member;

(3) violation of an order for protection charged under subdivision 14; or

(4) violation of a prior domestic abuse no contact order charged under this subdivision.

It includes pretrial orders before final disposition of the case and probationary orders after sentencing.

(b) A person who knows of the existence of a domestic abuse no contact order issued against the person and violates the order is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor who knowingly violates this subdivision within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.

(d) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a domestic abuse no contact order, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest

pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2005 Supplement, section 609.02, subdivision 16, is amended to read:

Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic violence-related offense" includes the following offenses: sections 518B.01, subdivision 14 (violation of domestic abuse order for protection); 518B.01, subdivision 22 (violation of domestic abuse no contact order); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.2247 (domestic assault by strangulation); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.377 (malicious punishment of a child); 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining order); and 609.749 (harassment/stalking); and 609.78, subdivision 2 (interference with an emergency call); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2004, section 609.11, subdivision 7, is amended to read:

Subd. 7. **Prosecutor shall establish.** ~~Whenever reasonable grounds exist to believe that the defendant or an accomplice used a firearm or other dangerous weapon or had in possession a firearm, at the time of commission of an offense listed in subdivision 9, the prosecutor shall, at the time of trial or at the plea of guilty, present on the record all evidence tending to establish that fact unless it is otherwise admitted on the record. The question of whether the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm shall be determined by the court on the record factfinder at the time of a verdict or finding of guilt at trial or the entry of a plea of guilty based upon the record of the trial or the plea of guilty. The court factfinder shall also determine on the record at the time of sentencing whether the defendant has been convicted of a second or subsequent offense in which the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm.~~

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2004, section 609.153, subdivision 1, is amended to read:

Subdivision 1. **Application.** This section applies to the following misdemeanor-level crimes: sections 152.093 (manufacture or delivery of drug paraphernalia prohibited); 152.095 (advertisement of drug paraphernalia prohibited); 609.324 (prostitution); 609.3243 (loitering with intent to participate in prostitution); 609.546 (motor vehicle tampering); 609.595 (damage to property); and 609.66 (dangerous weapons); misdemeanor-level violations of section 609.605 (trespass); and violations of local ordinances prohibiting the unlawful sale or possession of controlled substances.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 17. Minnesota Statutes 2004, section 609.2231, subdivision 6, is amended to read:

Subd. 6. **Public employees with mandated duties.** A person is guilty of a gross misdemeanor who:

(1) assaults an agricultural inspector, occupational safety and health investigator, child protection worker, public health nurse, animal control officer, or probation or parole officer while the employee is engaged in the performance of a duty mandated by law, court order, or ordinance;

(2) knows that the victim is a public employee engaged in the performance of the official public duties of the office; and

(3) inflicts demonstrable bodily harm.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 18. Minnesota Statutes 2004, section 609.224, subdivision 2, is amended to read:

Subd. 2. **Gross misdemeanor.** (a) Whoever violates the provisions of subdivision 1 against the same victim ~~during the time period between~~ within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency ~~and the end of the five years following discharge from sentence or disposition for that offense~~, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) Whoever violates the provisions of subdivision 1 ~~within two~~ three years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(c) A caregiver, as defined in section 609.232, who is an individual and who violates the provisions of subdivision 1 against a vulnerable adult, as defined in section 609.232, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 19. Minnesota Statutes 2004, section 609.224, subdivision 4, is amended to read:

Subd. 4. **Felony.** (a) Whoever violates the provisions of subdivision 1 against the same victim ~~during the time period between~~ within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency ~~and the end of the five years following discharge from sentence or disposition for that offense~~ is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

(b) Whoever violates the provisions of subdivision 1 within three years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 20. Minnesota Statutes 2004, section 609.2242, subdivision 2, is amended to read:

Subd. 2. **Gross misdemeanor.** Whoever violates subdivision 1 ~~during the time period between~~ within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency against a family or household member as defined in section 518B.01, subdivision 2, ~~and the end of the five years following discharge from sentence or disposition for that offense~~ is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 21. Minnesota Statutes 2004, section 609.2242, subdivision 4, is amended to read:

Subd. 4. **Felony.** Whoever violates the provisions of this section or section 609.224, subdivision 1, against the same victim ~~during the time period between~~ within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency ~~and the end of the five years following discharge from sentence or disposition for that offense~~ is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 22. Minnesota Statutes 2005 Supplement, section 609.282, is amended to read:

609.282 LABOR TRAFFICKING.

Subdivision 1. **Individuals under age 18.** Whoever knowingly engages in the labor trafficking of an individual who is under the age of 18 is guilty of a crime and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both.

Subd. 2. **Other offenses.** Whoever knowingly engages in the labor trafficking of another is guilty of a crime and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Subd. 3. **Consent or age of victim not a defense.** In a prosecution under this section the consent or age of the victim is not a defense.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 23. Minnesota Statutes 2005 Supplement, section 609.283, is amended to read:

609.283 UNLAWFUL CONDUCT WITH RESPECT TO DOCUMENTS IN FURTHERANCE OF LABOR OR SEX TRAFFICKING.

Subdivision 1. **Crime defined.** Unless the person's conduct constitutes a violation of section 609.282, a person who knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person:

(1) in the course of a violation of section 609.282 or 609.322;

(2) with intent to violate section 609.282 or 609.322; or

(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, a person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a violation of section 609.282 or 609.322;

is guilty of a crime and may be sentenced as provided in subdivision 2.

Subd. 2. **Penalties.** A person who violates subdivision 1 may be sentenced as follows:

(1) if the crime involves a victim under the age of 18, to imprisonment for not more than ten years or to payment of a fine of \$20,000, or both; or

(2) in other cases, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Subd. 3. **Consent or age of victim not a defense.** In a prosecution under this section the consent

or age of the victim is not a defense.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 24. Minnesota Statutes 2005 Supplement, section 609.3455, is amended by adding a subdivision to read:

Subd. 3a. Mandatory sentence for certain engrained offenders. (a) A court shall commit a person to the commissioner of corrections for a period of time that is not less than double the presumptive sentence under the sentencing guidelines and not more than the statutory maximum, or if the statutory maximum is less than double the presumptive sentence, for a period of time that is equal to the statutory maximum, if:

(1) the court is imposing an executed sentence on a person convicted of committing or attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453;

(2) the factfinder determines that the offender is a danger to public safety; and

(3) the factfinder determines that the offender's criminal sexual behavior is so engrained that the risk of reoffending is great without intensive psychotherapeutic intervention or other long-term treatment or supervision extending beyond the presumptive term of imprisonment and supervised release.

(b) The factfinder shall base its determination that the offender is a danger to public safety on any of the following factors:

(1) the crime involved an aggravating factor that would justify a durational departure from the presumptive sentence under the sentencing guidelines;

(2) the offender previously committed or attempted to commit a predatory crime or a violation of section 609.224 or 609.2242, including:

(i) an offense committed as a juvenile that would have been a predatory crime or a violation of section 609.224 or 609.2242 if committed by an adult; or

(ii) a violation or attempted violation of a similar law of any other state or the United States; or

(3) the offender planned or prepared for the crime prior to its commission.

(c) As used in this section, "predatory crime" has the meaning given in section 609.341, subdivision 22.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 25. Minnesota Statutes 2005 Supplement, section 609.3455, subdivision 4, is amended to read:

Subd. 4. Mandatory life sentence; repeat offenders. (a) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person to imprisonment for life if the person is convicted of violating section 609.342, 609.343, 609.344, 609.345, or 609.3453 and:

(1) the person has two previous sex offense convictions;

(2) the person has a previous sex offense conviction and:

(i) the factfinder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

(ii) the person received an upward durational departure from the sentencing guidelines for the previous sex offense conviction; or

(iii) the person was sentenced under this section or section 609.108 for the previous sex offense conviction; or

(3) the person has two prior sex offense convictions, and the factfinder determines that the prior convictions and present offense involved at least three separate victims, and:

(i) the factfinder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

(ii) the person received an upward durational departure from the sentencing guidelines for one of the prior sex offense convictions; or

(iii) the person was sentenced under this section or section 609.108 for one of the prior sex offense convictions.

(b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment for life for a violation of section 609.345, unless the person's previous or prior sex offense convictions that are being used as the basis for the sentence are for violations of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute of the United States, this state, or any other state.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 26. Minnesota Statutes 2004, section 609.495, is amended by adding a subdivision to read:

Subd. 5. Venue. An offense committed under subdivision 1 or 3 may be prosecuted in:

(1) the county where the aiding or obstructing behavior occurred; or

(2) the county where the underlying criminal act occurred.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 27. Minnesota Statutes 2004, section 609.52, subdivision 3, is amended to read:

Subd. 3. Sentence. Whoever commits theft may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if the property is a firearm, or the value of the property or services stolen is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4), (15), or (16); or

(2) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the value of the property or services stolen exceeds ~~\$2,500~~ \$5,000, or if the property stolen was an article representing a trade secret, an explosive or incendiary device, or a controlled substance listed in schedule I or II pursuant to section 152.02 with the exception of marijuana; or

(3) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(a) the value of the property or services stolen is more than ~~\$500~~ \$1,000 but not more than ~~\$2,500~~ \$5,000; or

(b) the property stolen was a controlled substance listed in schedule III, IV, or V pursuant to section 152.02; or

(c) the value of the property or services stolen is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000 and the person has been convicted within the preceding five years for an offense under

this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or

(d) the value of the property or services stolen is not more than ~~\$500~~ \$1,000, and any of the following circumstances exist:

(i) the property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(ii) the property is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(iii) the property is taken from a burning, abandoned, or vacant building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(iv) the property consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(v) the property stolen is a motor vehicle; or

(4) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the property or services stolen is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000; or

(5) in all other cases where the value of the property or services stolen is ~~\$250~~ \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3), (4), and (13), the value of the money or property or services received by the defendant in violation of any one or more of the above provisions within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 28. Minnesota Statutes 2004, section 609.535, subdivision 2a, is amended to read:

Subd. 2a. **Penalties.** (a) A person who is convicted of issuing a dishonored check under subdivision 2 may be sentenced as follows:

(1) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than ~~\$500~~ \$1,000;

(2) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000; or

(3) to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is not more than ~~\$250~~ \$500.

(b) In a prosecution under this subdivision, the value of dishonored checks issued by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the dishonored checks was issued for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 29. Minnesota Statutes 2004, section 609.595, subdivision 1, is amended to read:

Subdivision 1. **Criminal damage to property in the first degree.** Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

- (1) the damage to the property caused a reasonably foreseeable risk of bodily harm; or
- (2) the property damaged belongs to a common carrier and the damage impairs the service to the public rendered by the carrier; or
- (3) the damage reduces the value of the property by more than ~~\$500~~ \$1,000 measured by the cost of repair and replacement; or
- (4) the damage reduces the value of the property by more than ~~\$250~~ \$500 measured by the cost of repair and replacement and the defendant has been convicted within the preceding three years of an offense under this subdivision or subdivision 2.

In any prosecution under clause (3), the value of any property damaged by the defendant in violation of that clause within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 30. Minnesota Statutes 2004, section 609.595, subdivision 2, is amended to read:

Subd. 2. **Criminal damage to property in the third degree.** (a) Except as otherwise provided in subdivision 1a, whoever intentionally causes damage to another person's physical property without the other person's consent may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the property by more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000 as measured by the cost of repair and replacement.

(b) Whoever intentionally causes damage to another person's physical property without the other person's consent because of the property owner's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the property by not more than ~~\$250~~ \$500.

(c) In any prosecution under paragraph (a), the value of property damaged by the defendant in violation of that paragraph within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 31. Minnesota Statutes 2004, section 609.748, subdivision 6, is amended to read:

Subd. 6. **Violation of restraining order.** (a) A person who violates a restraining order issued under this section is subject to the penalties provided in paragraphs (b) to (d).

(b) Except as otherwise provided in paragraphs (c) and (d), when a temporary restraining order or a restraining order is granted under this section and the respondent knows of the order, violation of the order is a misdemeanor.

(c) A person is guilty of a gross misdemeanor who knowingly violates the order ~~during the time period between~~ within ten years of a previous qualified domestic violence-related offense conviction and the end of the five years following discharge from sentence for that offense or adjudication of delinquency.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person knowingly violates the order:

(1) ~~during the time period between~~ within ten years of the first of two or more previous qualified domestic violence-related offense convictions and the end of the five years following discharge from sentence for that offense or adjudications of delinquency;

(2) because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin;

(3) by falsely impersonating another;

(4) while possessing a dangerous weapon;

(5) with an intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(6) against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under subdivision 4 or 5 if the existence of the order can be verified by the officer.

(f) A violation of a temporary restraining order or restraining order shall also constitute contempt of court.

(g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated an order issued under subdivision 4 or 5, the court may issue an order to the respondent requiring the respondent to appear within 14 days and show cause why the respondent should not be held in contempt of court. The court also shall refer the violation of the order to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 32. Minnesota Statutes 2004, section 609.749, subdivision 4, is amended to read:

Subd. 4. **Second or subsequent violations; felony.** (a) A person is guilty of a felony who

violates any provision of subdivision 2 ~~during the time period between~~ within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency ~~and the end of the ten years following discharge from sentence or disposition for that offense~~, and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) A person is guilty of a felony who violates any provision of subdivision 2 ~~during the time period between~~ within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency ~~and the end of ten years following discharge from sentence or disposition for that offense~~, and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 33. **[609.8935] UNLAWFUL CONDUCT RELATING TO TELEPHONE RECORDS.**

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

(b) "Customer" means a person or other entity that subscribes to telephone service from a telephone company.

(c) "Procure" means to obtain by any means, whether electronically, in writing, or in oral form, with or without consideration.

(d) "Telephone company" means any person or other entity that provides commercial telephone service to a customer, irrespective of the communications technology used to provide the service, including, but not limited to, traditional wireline or cable telephone service; cellular, broadband PCS, or other wireless telephone service; microwave, satellite, or other terrestrial telephone service; and voice over Internet telephone service.

(e) "Telephone records" include information retained by a telephone company that relates to the telephone number dialed from a customer's telephone, or the incoming call directed to a customer's telephone, or other data related to calls typically contained on a customer's telephone bill, including, but not limited to, the time the call started and ended, the duration of the call, the time of day the call was made, and any charges applied. However, for the purposes of this section, any information collected and retained by customers utilizing caller ID, or other similar technology, does not constitute a telephone record.

Subd. 2. Crime defined; penalty. (a) A person commits the crime of unlawful conduct relating to telephone records if the person:

(1) knowingly procures a telephone record of another without that person's authorization or by fraudulent, deceptive, or false means;

(2) knowingly sells a telephone record of another without that person's authorization; or

(3) receives a telephone record of another knowing that the record has been obtained without that person's authorization or by fraudulent, deceptive, or false means.

(b) A person who violates this subdivision may be sentenced to:

(1) imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the violation involves a single telephone record;

(2) imprisonment for not more than two years or to payment of a fine of not more than \$20,000, or both, if the violation involves at least two and no more than ten telephone records; or

(3) imprisonment for not more than five years or to payment of a fine of not more than \$50,000,

or both, if the violation involves more than ten telephone records.

Subd. 3. Exceptions. The penalties in this section do not apply to:

(1) peace officers or employees or agents of law enforcement agencies acting in the official course of their duties;

(2) individuals acting pursuant to a valid court order, warrant, or subpoena;

(3) employees or agents of telephone companies acting:

(i) as otherwise authorized by law;

(ii) with the lawful consent of the customer;

(iii) as may be necessarily incident to the rendition of the service to initiate, render, bill, and collect customer charges, or to the protection of the rights or property of the provider of that service, or to protect users of those services and other companies from fraudulent, abusive, or unlawful use of, or subscription to, these services;

(iv) in cooperation with a governmental entity, if the telephone company reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information;

(v) in cooperation with the National Center for Missing and Exploited Children, in connection with a report submitted to it under United States Code, title 42, section 13032; or

(vi) in connection with the sale or transfer of all or part of the company's business, or the purchase or acquisition of a portion or all of a business, or the migration of a customer from one company to another.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 34. Minnesota Statutes 2004, section 611A.0315, is amended to read:

611A.0315 VICTIM NOTIFICATION; DOMESTIC ASSAULT; HARASSMENT.

Subdivision 1. **Notice of decision not to prosecute.** (a) A prosecutor shall make every reasonable effort to notify a victim of domestic assault, a criminal sexual conduct offense, or harassment that the prosecutor has decided to decline prosecution of the case or to dismiss the criminal charges filed against the defendant. Efforts to notify the victim should include, in order of priority: (1) contacting the victim or a person designated by the victim by telephone; and (2) contacting the victim by mail. If a suspect is still in custody, the notification attempt shall be made before the suspect is released from custody.

(b) Whenever a prosecutor dismisses criminal charges against a person accused of domestic assault, a criminal sexual conduct offense, or harassment, a record shall be made of the specific reasons for the dismissal. If the dismissal is due to the unavailability of the witness, the prosecutor shall indicate the specific reason that the witness is unavailable.

(c) Whenever a prosecutor notifies a victim of domestic assault or harassment under this section, the prosecutor shall also inform the victim of the method and benefits of seeking an order for protection under section 518B.01 or a restraining order under section 609.748 and that the victim may seek an order without paying a fee.

Subd. 2. Definitions. For the purposes of this section, the following terms have the meanings given them.

(a) "Assault" has the meaning given it in section 609.02, subdivision 10.

(b) "Domestic assault" means an assault committed by the actor against a family or household member.

(c) "Family or household member" has the meaning given it in section 518B.01, subdivision 2.

(d) "Harassment" means a violation of section 609.749.

(e) "Criminal sexual conduct" means a violation of sections 609.342 to 609.3453.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 35. Minnesota Statutes 2004, section 617.246, is amended by adding a subdivision to read:

Subd. 7. Conditional release term. Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has completed the sentence imposed, the commissioner shall place the person on conditional release for five years, minus the time the offender served on supervised release. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ten years, minus the time the offender served on supervised release. The terms of conditional release are governed by section 609.3455, subdivision 8.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 36. Minnesota Statutes 2004, section 617.247, is amended by adding a subdivision to read:

Subd. 9. Conditional release term. Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has completed the sentence imposed, the commissioner shall place the person on conditional release for five years, minus the time the offender served on supervised release. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ten years, minus the time the offender served on supervised release. The terms of conditional release are governed by section 609.3455, subdivision 8.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 37. Laws 2005, chapter 136, article 16, section 3, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date. ~~This section expires February 1, 2007.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 38. Laws 2005, chapter 136, article 16, section 4, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date. ~~This section expires February 1, 2007.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 39. Laws 2005, chapter 136, article 16, section 5, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date. ~~This section expires February 1, 2007.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 40. Laws 2005, chapter 136, article 16, section 6, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date. ~~This section expires February 1, 2007.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 41. **COLLATERAL CONSEQUENCES COMMITTEE.**

Subdivision 1. Establishment; duties. A collateral consequences committee is established to study collateral consequences of adult convictions and juvenile adjudications. The committee shall identify the uses of collateral consequences of convictions and adjudications and recommend any proposed changes to the legislature on collateral consequences.

Subd. 2. Resources. The Department of Corrections shall provide technical assistance to the committee on request, with the assistance of the commissioner of public safety and the Sentencing Guidelines Commission.

Subd. 3. Membership. The committee consists of:

(1) one representative from each of the following groups:

(i) crime victim advocates, appointed by the commissioner of public safety;

(ii) county attorneys, appointed by the Minnesota County Attorneys Association;

(iii) city attorneys, appointed by the League of Minnesota Cities;

(iv) district court judges, appointed by the Judicial Council;

(v) private criminal defense attorneys, appointed by the Minnesota Association of Criminal Defense Lawyers;

(vi) probation officers, appointed by the Minnesota Association of County Probation Officers;
and

(vii) the state public defender or a designee; and

(2) the commissioner of public safety, or a designee, who shall chair the group.

Subd. 4. Report and recommendations. The committee shall present the legislature with its report and recommendations no later than January 15, 2007. The report must be presented to the chairs of the senate Crime Prevention and Public Safety Committee and the house Public Safety and Finance Committee.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 42. **SENTENCING GUIDELINES MODIFICATIONS.**

(a) Except as provided in paragraph (b), the modifications related to sex offenses proposed by the Minnesota Sentencing Guidelines Commission and described in the January 2006 Report to the Legislature, pages 31 to 45, are adopted and take effect on August 1, 2006.

(b) The proposed rankings of Minnesota Statutes, sections 609.344, subdivision 1, clauses (h), (i), and (l); and 609.345, subdivision 1, clauses (h), (i), and (l), are rejected and do not take effect.

(c) The commission is requested to rank violations of:

(1) Minnesota Statutes, section 609.344, subdivision 1, clauses (h), (i), and (l), at severity level C;

(2) Minnesota Statutes, section 609.344, subdivision 1, clause (a), at severity level D;

(3) Minnesota Statutes, section 609.345, subdivision 1, clauses (h), (i), and (l), at severity level E; and

(4) Minnesota Statutes, section 609.345, subdivision 1, clause (a), at severity level F.

(d) If the commission decides to make the changes requested in paragraph (c), it shall ensure that the changes are effective on August 1, 2006, and publish an updated version of the sentencing guidelines that include the changes by that date.

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

Sec. 43. **REVISOR'S INSTRUCTION.**

When appropriate, the revisor of statutes shall replace statutory references to Minnesota Statutes, section 609.108, with references to section 609.3455, subdivision 3a.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 44. **REPEALER.**

Minnesota Statutes 2004, sections 488A.03, subdivision 11b; 609.108, subdivision 5; and 609.109, subdivisions 1 and 3, and Minnesota Statutes 2005 Supplement, sections 609.108, subdivisions 1, 3, 4, 6, and 7; and 609.109, subdivisions 2, 4, 5, and 6, are repealed.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date, except for the repeal of Minnesota Statutes, section 488A.03, subdivision 11b, which is effective July 1, 2006.

ARTICLE 2

CONTROLLED SUBSTANCES, DWI, AND TRAFFIC SAFETY PROVISIONS

Section 1. Minnesota Statutes 2004, section 152.01, subdivision 18, is amended to read:

Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances under this chapter or the Uniform Controlled Substances Act, which are ~~knowingly or intentionally~~ used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, (3) testing the strength, effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled substance.

(b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of hypodermic needles or syringes in accordance with section 151.40, subdivision 2.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2004, section 152.093, is amended to read:

152.093 MANUFACTURE OR DELIVERY SALE OF DRUG PARAPHERNALIA PROHIBITED.

Subdivision 1. **Sales generally.** (a) It is unlawful for any person ~~knowingly or intentionally~~

to ~~deliver~~ sell drug paraphernalia ~~or knowingly or intentionally to possess or manufacture drug paraphernalia for delivery, knowing or having reason to know, that the item will be used primarily to:~~

- (1) manufacture a controlled substance;
 - (2) inject, ingest, inhale, or otherwise introduce into the human body a controlled substance;
 - (3) test the strength, effectiveness, or purity of a controlled substance; or
 - (4) enhance the effect of a controlled substance.
- (b) Any violation of this section subdivision is a misdemeanor.

Subd. 2. **Sales to minor.** Any person 18 years of age or older who violates subdivision 1 by selling drug paraphernalia to a person under 18 years of age who is at least three years younger is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 3. [152.0955] PROHIBITION ON POSSESSION OF CERTAIN ITEMS ASSOCIATED WITH CONTROLLED SUBSTANCE USE.

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

(1) "bong" means any pipe or smoking device, commonly referred to as a bong or water bong, having one tube that attaches to or is part of the pipe or device, that allows for a smoked product to be drawn from a reservoir or bowl, through a quantity of water or other liquid substance, or through another tube or opening on the pipe or device;

(2) "dugout" means a storage device, commonly referred to as a dugout, designed with separate reservoirs for marijuana and a one-hit pipe;

(3) "glass pipe" means any pipe or smoking device that is made of glass and that has a reservoir capable of holding controlled substances for ingestion;

(4) "marijuana pipe" means any pipe or smoking device, except for a traditional pipe, that is made of solid material, including ivory, onyx, glass, metal, stone, or any other material, having a reservoir and a direct channel or a channel filtered by a screen, leading to an open end, commonly known as a bowl;

(5) "one-hit pipe" means any pipe or smoking device that consists of a reservoir on one end, with a direct channel or a channel filtered by a screen that leads to the opposite end, designed as a linear device, and without a separately attached bowl or reservoir; and

(6) "traditional pipe" means a smoking device that has a sole use for consumption of tobacco, not containing a screen in the bowl section, such as a corncob pipe.

Subd. 2. **Possession prohibited.** A person who knowingly possesses a bong, dugout, glass pipe, marijuana pipe, or one-hit pipe is guilty of a petty misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to acts committed on or after that date.

Sec. 4. Minnesota Statutes 2004, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** If any person who has not previously participated in or completed a diversion program authorized under section 401.065 or who has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section is found guilty of a violation of section

152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, or 4, for possession of a controlled substance, after trial or upon a plea of guilty, and the court determines that the violation does not qualify as a subsequent controlled substance conviction under section 152.01, subdivision 16a, the court ~~may shall~~, without entering a judgment of guilty and with the consent of the person, either (1) defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. The court or (2) state in writing the reason why a deferral is inappropriate. If the court grants a deferral, it may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against the person and discharge the person from probation before the expiration of the maximum period prescribed for the person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau which shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

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

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 5. Minnesota Statutes 2004, section 169A.24, subdivision 1, is amended to read:

Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while impaired) is guilty of first-degree driving while impaired if the person:

(1) commits the violation within ten years of the first of three or more qualified prior impaired driving incidents; ~~or~~

(2) has previously been convicted of a felony under this section; or

(3) has previously been convicted of a felony under section 609.21, subdivision 1, clause (2), (3), (4), (5), or (6); subdivision 2, clause (2), (3), (4), (5), or (6); subdivision 2a, clause (2), (3), (4), (5), or (6); subdivision 3, clause (2), (3), (4), (5), or (6); or subdivision 4, clause (2), (3), (4), (5), or (6).

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2004, section 169A.70, is amended by adding a subdivision to read:

Subd. 8. Court's authority to require assessments in other instances. A court having jurisdiction over a person in a juvenile, criminal, or civil commitment proceeding may order that the person submit to a chemical use assessment under this section if the court has reason to believe that the person may have a chemical dependency problem.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2005 Supplement, 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 not suspend 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.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 8. **REPEALER.**

Minnesota Statutes 2004, section 152.094, is repealed.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

ARTICLE 3

PUBLIC SAFETY POLICY

Section 1. [4.055] GOVERNOR'S RESIDENCE EMPLOYEES AND GOVERNOR APPOINTEE BACKGROUND CHECKS.

The governor's office may request a check of:

(1) systems accessible through the criminal justice data communications network, including, but not limited to, criminal history, predatory offender registration, warrants, and driver license record information from the Department of Public Safety;

(2) the statewide supervision system maintained by the Department of Corrections; and

(3) national criminal history information maintained by the Federal Bureau of Investigation;

on candidates for positions within the governor's residence or appointment by the governor. The candidate shall provide the governor's office with a written authorization to conduct the check of these systems. For a check of the national criminal history information, the request must also include a set of fingerprints which shall be sent to the Bureau of Criminal Apprehension. The bureau has the authority to exchange the fingerprints with the FBI to facilitate the national background check. The superintendent may recover fees associated with the background checks from the governor's office.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 2. Minnesota Statutes 2004, section 13.6905, is amended by adding a subdivision to read:

Subd. 1a. Facility security assessments and plans. Hazardous substance or oil facility security assessments and plans are classified under section 115E.04, subdivision 4b.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 3. Minnesota Statutes 2004, section 115E.01, subdivision 5, is amended to read:

Subd. 5. Facility. "Facility" means a structure, group of structures, equipment, or device, other than a vessel, that is used for one or more of the following purposes: exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil or a hazardous substance. Facility includes a motor vehicle, rolling stock, or pipeline used for one or more of these purposes. Facility also includes a research and development laboratory, which means a specially designated area used primarily for research, development, and testing activity and not primarily involved in the production of goods for commercial sale. A facility may be in, on, or under land, or in, on, or under waters of the state as defined in section 115.01, subdivision 22.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 4. Minnesota Statutes 2004, section 115E.01, subdivision 6, is amended to read:

Subd. 6. Hazardous substance. "Hazardous substance" has the meaning given in section 115B.02, subdivision 8. In addition, hazardous substance includes the substances listed under section 112r of the Clean Air Act, as provided by Code of Federal Regulations, title 40, part 68.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 5. Minnesota Statutes 2004, section 115E.01, subdivision 7, is amended to read:

Subd. 7. Lead agency. "Lead agency" means:

(1) the Department of Agriculture, with respect to agricultural chemicals; or

(2) the Pollution Control Agency, for other hazardous substances or oil; or

(3) the Department of Public Safety, with respect to the security planning and security measures.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 6. Minnesota Statutes 2004, section 115E.01, is amended by adding a subdivision to read:

Subd. 11d. **Security measure.** "Security measure" means an action carried out to increase the security of a facility, including employee training and background checks, limitation and prevention of access to controls of the facility, protection of the perimeter of the facility, installation and operation of an intrusion detection sensor, or a measure to increase computer or computer network security.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 7. Minnesota Statutes 2004, section 115E.01, is amended by adding a subdivision to read:

Subd. 11e. **Use of inherently safer technology.** "Use of inherently safer technology" means the use of a technology, product, raw material, or practice that, as compared with the technologies, products, raw materials, or practices currently in use, reduces or eliminates the possibility of a release, and reduces or eliminates the threats to the public health or safety and environment associated with the release or threatened release.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 8. Minnesota Statutes 2004, section 115E.01, subdivision 13, is amended to read:

Subd. 13. **Worst case discharge.** "Worst case discharge" means:

(1) in the case of a vessel, sudden loss of the entire contents of the vessel in weather conditions that impede cleanup;

(2) for each tank of a storage tank facility, sudden loss of the entire contents of the tank in weather conditions that impede cleanup;

(3) in the case of railroad rolling stock facilities, sudden loss of the contents of the maximum expected number of the rail cars containing oil or hazardous substance of a train onto land or into water in weather conditions that impede cleanup;

(4) in the case of truck and trailer rolling stock facilities, sudden loss of the entire contents of the truck or trailer onto land or into water in weather conditions that impede cleanup;

(5) in the case of a pipeline facility, sudden loss of the contents of the pipeline which would be expected from complete failure of the pipeline onto land or into water in weather conditions that impede cleanup;

(6) in the case of oil or hazardous substance transfer facilities, sudden loss of the largest volume which could occur during transfer into or out of a facility; ~~or~~

(7) in the case of a facility with more than the threshold quantity of any substance listed in Code of Federal Regulations, title 40, part 68, under section 112r of the Clean Air Act, on the property at any point in the year, sudden loss of the maximum expected inventory of the substances; or

(8) the worst case discharge for the facility as described by regulations under the Oil Pollution Act of 1990 if the regulations, when adopted, describe a discharge worse than one described in clauses (1) to ~~(6)~~ (7).

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 9. **[115E.025] DUTY TO SECURE FACILITIES.**

Subdivision 1. **General security.** A person who owns or operates a vessel or facility

transporting, storing, or otherwise handling hazardous substances or oil, or who is otherwise in control of hazardous substances or oil, shall take reasonable security measures to prevent the unauthorized access of persons to the facilities or to the control mechanisms of the facility.

Subd. 2. **Specific security measures.** The following persons shall comply with the specific requirements of section 115E.04, subdivision 1a:

(1) persons who own or operate facilities subject to Code of Federal Regulations, title 40, part 68, under section 112r of the Clean Air Act, except for retail facilities at which more than one-half of the income is obtained from direct sales of ammonia or propane to end users; and

(2) persons who own or operate facilities containing 1,000,000 gallons or more of oil or hazardous substance in tank storage at any time.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 10. Minnesota Statutes 2004, section 115E.04, is amended by adding a subdivision to read:

Subd. 1a. **Security plan.** Persons required to show specific security measures under section 115E.025, subdivision 2, shall prepare and maintain a facility security plan. The security plan must be completed in consultation with local law enforcement agencies. The security plan must:

(1) summarize the methods used and results of an assessment of vulnerability of the facility to a terrorist attack or other unauthorized entry and release, the expertise and affiliation of the evaluators, and any direct or indirect relationship between the vulnerability evaluators and the owner or operator of the facility;

(2) provide an inventory of the hazardous substance or oil subject to the security plan, with ranges of the quantity of each substance expected to be in the facility and entering and leaving the facility during the course of a year;

(3) assess the use of inherently safer technology in reducing or eliminating the vulnerability of the facility and the possibility of an unauthorized release;

(4) describe actions and procedures, including safer design and maintenance of the facility, use of inherently safer technology, and all appropriate security measures undertaken to eliminate or significantly lessen the vulnerability to an unauthorized entry to the facility or an unauthorized release of oil or a hazardous substance; and

(5) list the names of all insurance carriers underwriting the facility's environmental liability and workers' compensation insurance policies and the scope of the policies, including any limitations and exclusions.

A plan submitted to the federal government under the Oil Pollution Act of 1990 or prepared under any other law may be used to satisfy the security plan requirement, if the information required by this subdivision is included in the plan. A community water system vulnerability assessment and emergency response plan prepared under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 may be used to satisfy the security plan requirement.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 11. Minnesota Statutes 2004, section 115E.04, subdivision 2, is amended to read:

Subd. 2. **Timing.** (a) A person required to be prepared under section 115E.03, other than a person who owns or operates a motor vehicle, rolling stock, or a facility that stores less than 250,000 gallons of oil or a hazardous substance, shall complete the response plan required by this section by March 1, 1993, unless one of the commissioners orders the person to demonstrate preparedness at an earlier date under section 115E.05.

(b) A person who owns or operates a motor vehicle, rolling stock, or a facility that stores less

than 250,000 gallons of oil or a hazardous substance shall complete the response plan required by this section by January 1, 1994.

(c) A person required to prepare a security plan shall complete it within 90 days of the effective date of this act. The security plan must be amended following significant change in the security measures, vulnerability, or presence of hazardous substances on the facility.

(d) Plans required under section 115E.04 or 115E.045 must be updated every three years. Plans must be updated before three years following a significant discharge, upon significant change in vessel or facility operation or ownership, upon significant change in the national or area contingency plans under the Oil Pollution Act of 1990, or upon change in the capabilities or role of a person named in a plan who has an important response role.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 12. Minnesota Statutes 2004, section 115E.04, is amended by adding a subdivision to read:

Subd. 4a. Review of security plans. (a) A person required to complete a security plan under section 115E.025, subdivision 2, must submit a copy of the security plan to the Department of Public Safety within five business days of its completion.

(b) Authorized staff of the Department of Public Safety must be granted access to the facility for the purpose of inspecting security measures.

(c) Upon the request of authorized staff of the Department of Public Safety, a person shall demonstrate the adequacy of the security plan and security measures by conducting announced or unannounced drills, calling persons and organizations named in a security plan and verifying roles and capabilities, locating and testing security measure procedures or equipment, questioning facility personnel, or other means that in the judgment of the commissioner or sheriff demonstrate security. Before requesting an unannounced security drill, the commissioner of public safety or authorized person shall invite the county sheriff to participate in or witness the drill. If an announced drill is conducted to the satisfaction of the commissioner, the person conducting the security drill may not be required to conduct an additional unannounced security drill in the same calendar year.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 13. Minnesota Statutes 2004, section 115E.04, is amended by adding a subdivision to read:

Subd. 4b. Data. Assessments and plans prepared under this section and material specifically related to preparation, review, or approval of a plan are nonpublic data as defined in section 13.02, except that the data may be provided to law enforcement, firefighters, members of the National Guard, or other representatives of a government entity responding to a request for services at a facility that is the subject of the assessment and plan.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 14. Minnesota Statutes 2004, section 115E.05, subdivision 1, is amended to read:

Subdivision 1. Amendment to plan. If one or more of the commissioners finds the prevention and response plans or preparedness measures of a person do not meet the requirements of this chapter, or if the commissioner of public safety finds that the security plan does not meet the requirements of this chapter, the commissioner or commissioners making the finding may by order require that reasonable amendments to the plan or reasonable additional preventive ~~or~~ preparedness, or security measures be implemented in a timely fashion. If more than one commissioner makes the finding, the order must be a joint order.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 15. Minnesota Statutes 2004, section 115E.05, subdivision 2, is amended to read:

Subd. 2. **Compliance.** If oil or a hazardous substance is discharged while it is under the control of a person not identified in section 115E.03, subdivision 2, or in section 115E.025, any one of the commissioners with appropriate jurisdiction may by order require the person to comply with the prevention and response plan or security plan requirements of sections 115E.03 and 115E.04 in a timely manner if:

- (1) land, water, or air of the state is polluted or threatened; or
- (2) human life, safety, health, natural resources, or property is damaged or threatened.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 16. Minnesota Statutes 2004, section 115E.08, subdivision 3, is amended to read:

Subd. 3. **Jurisdiction.** Except as otherwise provided, the following agencies have primary responsibility for the specified areas in carrying out the duties and authorities of this chapter:

- (1) the Department of Agriculture, for agricultural chemicals;
- (2) the Department of Public Safety, for public safety ~~and~~ protection of property, and security measures;
- (3) the Department of Natural Resources, for assessment and rehabilitation of water resources;
- (4) the Pollution Control Agency, for all other matters subject to this chapter; and
- (5) the Department of Transportation, with respect to requirements related to the packaging, labeling, placarding, routing, and written reporting on releases of hazardous materials that are being transported.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 17. Minnesota Statutes 2004, section 144.7401, is amended by adding a subdivision to read:

Subd. 8. **Peace officer; applicability.** An individual licensed as a peace officer under section 626.84, subdivision 1, is considered an emergency medical services person for purposes of sections 144.7401 to 144.7415 regardless of whether the officer is engaged in performing emergency services.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 18. Minnesota Statutes 2004, section 181.973, is amended to read:

181.973 EMPLOYEE PUBLIC SAFETY PEER COUNSELING AND DEBRIEFING.

A person engaged in a public safety peer counseling or a public safety peer debriefing shall not, without the permission of the person being debriefed or counseled, be allowed to disclose any information or opinion which the peer group member or peer counselor has acquired during the ~~debriefing process.~~ However, this does not prohibit a peer counselor from disclosing information the peer counselor reasonably believes indicates that the person may be a danger to self or others, if the information is used only for the purpose of eliminating the danger to the person or others. Any information or opinion disclosed in violation of this paragraph is not admissible as evidence in any personnel or occupational licensing matter involving the person being debriefed or counseled.

For purposes of this ~~paragraph~~ section, "public safety peer counseling or debriefing" means a group process oriented debriefing session, or one-to-one contact with a peer counselor, held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation-related ~~traumatic event~~ trauma, illness, or stress begin the process of healing and effectively dealing with ~~posttraumatic~~

~~stress the person's problems or the use of the peer counselor for direction with referrals to better service these occupation-related issues. A "peer counselor" means someone so designated by that agency.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 19. Minnesota Statutes 2005 Supplement, section 243.166, subdivision 1b, is amended to read:

Subd. 1b. **Registration required.** (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section 609.185, clause (2);

(ii) kidnapping under section 609.25;

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453; or

(iv) indecent exposure under section 617.23, subdivision 3;

(2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiracy to commit false imprisonment in violation of section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of section 609.352; using a minor in a sexual performance in violation of section 617.246; or possessing pornographic work involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

(3) the person was sentenced as a patterned sex offender under section 609.108; or

(4) the person was convicted of or adjudicated delinquent for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3).

(b) A person also shall register under this section if:

(1) the person was convicted of or adjudicated delinquent in another state for an offense that would be a violation of a law described in paragraph (a) if committed in this state;

(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to lifetime registration, ~~in which case. If the person is required to register for life under Minnesota law or the law of any other state in which the person has been convicted, adjudicated, or required to register,~~ the person shall register for life regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or the United States;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state or the United States.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to offenders residing in Minnesota on or after that date.

Sec. 20. Minnesota Statutes 2005 Supplement, section 243.166, subdivision 6, is amended to read:

Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18 or 253B.185, the ten-year registration period does not include the period of commitment.

(b) If a person required to register under this section fails to provide the person's primary address as required by subdivision 3, paragraph (b), fails to comply with the requirements of subdivision 3a, fails to provide information as required by subdivision 4a, or fails to return the verification form referenced in subdivision 4 within ten days, the commissioner of public safety may require the person to continue to register for an additional period of five years. This five-year period is added to the end of the offender's registration period.

(c) If a person required to register under this section is subsequently incarcerated following a conviction for a new offense or following a revocation of probation, supervised release, or conditional release for any offense, the person shall continue to register until ten years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

(d) A person shall continue to comply with this section for the life of that person:

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1b, or any offense from another state or any federal offense similar to the offenses described in subdivision 1b, and the person has a prior conviction or adjudication for an offense for which registration was or would have been required under subdivision 1b, or an offense from another state or a federal offense similar to an offense described in subdivision 1b;

(2) if the person is required to register based upon a conviction or delinquency adjudication for an offense under section 609.185, clause (2), or a similar statute from another state or the United States;

(3) if the person is required to register based upon a conviction for an offense under section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g); or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the United States similar to the offenses described in this clause; ~~or~~

(4) if the person is required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another

state or the United States; or

(5) if the person is required to register for life under the law of any other state in which the person has been previously convicted, adjudicated, or required to register.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to offenders residing in Minnesota on or after that date.

Sec. 21. [299A.85] DEATH SCENE INVESTIGATIONS.

(a) The Department of Public Safety shall provide information to local law enforcement agencies about best practices for handling death scene investigations.

(b) The Department of Public Safety shall identify any publications or training opportunities that may be available to local law enforcement agencies or law enforcement officers concerning the handling of death scene investigations.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 22. Minnesota Statutes 2005 Supplement, section 299C.105, subdivision 3, is amended to read:

Subd. 3. **Bureau duty.** ~~(a) The bureau shall destroy the biological specimen and return all records to a person who submitted a biological specimen under subdivision 1 but who was found not guilty of a felony.~~ Upon the request of a person who submitted a biological specimen under subdivision 1 but where was either found not guilty of a felony or the charge against the person was later dismissed, the bureau shall destroy the person's biological specimen and return all records to the individual.

(b) If the bureau destroys a biological specimen under paragraph (a), the bureau shall also remove the person's information from the bureau's combined DNA index system and return all related records and all copies or duplicates of them.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 23. [299C.156] FORENSIC LABORATORY ADVISORY BOARD.

Subdivision 1. **Membership.** (a) The Forensic Laboratory Advisory Board consists of the following:

- (1) the superintendent of the Bureau of Criminal Apprehension or the superintendent's designee;
- (2) the commissioner of public safety or the commissioner's designee;
- (3) the commissioner of corrections or the commissioner's designee;
- (4) an individual with expertise in the field of forensic science, selected by the governor;
- (5) an individual with expertise in the field of forensic science, selected by the attorney general;
- (6) a faculty member of the University of Minnesota, selected by the president of the university;
- (7) the state public defender or a designee;
- (8) a prosecutor, selected by the Minnesota County Attorneys Association;
- (9) a sheriff, selected by the Minnesota Sheriffs Association;
- (10) a police chief, selected by the Minnesota Chiefs of Police Association;
- (11) a judge or court administrator, selected by the chief justice of the Supreme Court; and
- (12) a criminal defense attorney, selected by the Minnesota State Bar Association.

(b) The board shall select a chair from among its members.

(c) Board members serve four-year terms and may be reappointed.

(d) The board may employ staff necessary to carry out its duties.

Subd. 2. **Duties.** The board may:

(1) develop and implement a reporting system through which laboratories, facilities, or entities that conduct forensic analyses report professional negligence or misconduct that substantially affects the integrity of the forensic results committed by employees or contractors;

(2) encourage all laboratories, facilities, or entities that conduct forensic analyses to report professional negligence or misconduct that substantially affects the integrity of the forensic results committed by employees or contractors to the board;

(3) investigate, in a timely manner, any allegation of professional negligence or misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by a laboratory, facility, or entity; and

(4) encourage laboratories, facilities, and entities that conduct forensic analyses to become accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ALCLD/LAB) or other appropriate accrediting body and develop and implement a process for those entities to report their accreditation status to the board.

Subd. 3. **Investigations.** An investigation under subdivision 2, clause (3):

(1) may include the preparation of a written report that identifies and describes the methods and procedures used to identify:

(i) the alleged negligence or misconduct;

(ii) whether negligence or misconduct occurred; and

(iii) any corrective action required of the laboratory, facility, or entity; and

(2) may include one or more:

(i) retrospective reexaminations of other forensic analyses conducted by the laboratory, facility, or entity that may involve the same kind of negligence or misconduct; and

(ii) follow-up evaluations of the laboratory, facility, or entity to review:

(A) the implementation of any corrective action required under clause (1), item (iii); or

(B) the conclusion of any retrospective reexamination under this clause, item (i).

Subd. 4. **Delegation of duties.** The board by contract may delegate the duties described in subdivision 2, clauses (1) and (3), to any person or entity that the board determines to be qualified to assume those duties.

Subd. 5. **Reviews and reports are public.** The board shall make all investigation reports completed under subdivision 3, clause (1), available to the public. A report completed under subdivision 3, clause (1), in a subsequent civil or criminal proceeding is not prima facie evidence of the information or findings contained in the report.

Subd. 6. **Reports to legislature.** By January 15 of each year, the board shall submit any report prepared under subdivision 3, clause (1), during the preceding calendar year to the governor and the legislature.

Subd. 7. **Forensic analysis processing time period guidelines.** (a) By July 1, 2007, the board shall recommend forensic analysis processing time period guidelines applicable to the Bureau of

Criminal Apprehension and other laboratories, facilities, and entities that conduct forensic analyses. When adopting and recommending these guidelines and when making other related decisions, the board shall consider the goals and priorities identified by the presidential DNA initiative. The board shall consider the feasibility of the Bureau of Criminal Apprehension completing the processing of forensic evidence submitted to it by sheriffs, chiefs of police, or state or local corrections authorities.

(b) The bureau shall provide information to the board in the time, form, and manner determined by the board and keep it informed of the most up-to-date data on the actual forensic analysis processing turn around time periods. By January 15 of each year, the board shall report to the legislature on these issues, including the recommendations made by the board to improve turnaround times.

Subd. 8. **Forensic evidence processing deadline.** The board may recommend reasonable standards and deadlines for the Bureau of Criminal Apprehension to test and catalog forensic evidence samples relating to alleged crimes committed, including DNA analysis, in their control and possession.

Subd. 9. **Office space.** The commissioner of public safety may provide adequate office space and administrative services to the board.

Subd. 10. **Expenses.** Section 15.059 applies to the board.

Subd. 11. **Definition.** As used in this section, "forensic analysis" means a medical, chemical, toxicologic, ballistic, or other expert examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 24. Minnesota Statutes 2005 Supplement, section 299C.40, subdivision 1, is amended to read:

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

(b) "CIBRS" means the Comprehensive Incident-Based Reporting System, located in the Department of Public Safety and managed by the Bureau of Criminal Apprehension, Criminal Justice Information Systems Section. A reference in this section to "CIBRS" includes the Bureau of Criminal Apprehension.

(c) "Law enforcement agency" means a Minnesota municipal police department, the Metropolitan Transit Police, the Metropolitan Airports Police, the University of Minnesota Police Department, the Department of Corrections' Fugitive Apprehension Unit, a Minnesota county sheriff's department, the Bureau of Criminal Apprehension, or the Minnesota State Patrol.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 25. Minnesota Statutes 2005 Supplement, section 299C.405, is amended to read:

299C.405 SUBSCRIPTION SERVICE.

(a) For the purposes of this section "subscription service" means a process by which law enforcement agency personnel may obtain ongoing, automatic electronic notice of any contacts an individual has with any criminal justice agency.

(b) The Department of Public Safety must not establish a subscription service without prior legislative authorization; except that, the Bureau of Criminal Apprehension may employ under section 299C.40 a secure subscription service designed to promote and enhance officer safety during tactical operations by and between federal, state, and local law enforcement agencies by notifying law enforcement agencies of conflicts where multiple law enforcement operations may be occurring on the same subject or vehicle or on or near the same location. The notification may include warrant executions, surveillance activities, SWAT activities, undercover operations, and other investigative

operations.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 26. **[299C.565] MISSING PERSON REPORT.**

The local law enforcement agency having jurisdiction over the location where a person has been missing or was last seen has the responsibility to take a missing person report from an interested party. If this location cannot be clearly and easily established, the local law enforcement agency having jurisdiction over the last verified location where the missing person last resided has the responsibility to take the report.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 27. Minnesota Statutes 2005 Supplement, section 299C.65, subdivision 2, is amended to read:

Subd. 2. **Task force.** The policy group shall appoint a task force to assist them in their duties. The task force shall monitor, review, and report to the policy group on CrimNet-related projects and provide oversight to ongoing operations as directed by the policy group. The task force shall consist of the following members:

- (1) two sheriffs recommended by the Minnesota Sheriffs Association;
- (2) two police chiefs recommended by the Minnesota Chiefs of Police Association;
- (3) two county attorneys recommended by the Minnesota County Attorneys Association;
- (4) two city attorneys recommended by the Minnesota League of Cities;
- (5) two public defenders appointed by the Board of Public Defense;
- (6) two district judges appointed by the Conference of Chief Judges, one of whom is currently assigned to the juvenile court;
- (7) two community corrections administrators recommended by the Minnesota Association of Counties, one of whom represents a community corrections act county;
- (8) two probation officers;
- (9) four public members, one of whom has been a victim of crime, and two who are representatives of the private business community who have expertise in integrated information systems and who for the purpose of meetings of the full task force may be compensated pursuant to section 15.059;
- (10) two court administrators;
- (11) one member of the house of representatives appointed by the speaker of the house;
- (12) one member of the senate appointed by the majority leader;
- (13) the attorney general or a designee;
- (14) two individuals recommended by the Minnesota League of Cities, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area;
- (15) two individuals recommended by the Minnesota Association of Counties, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area;

- (16) the director of the Sentencing Guidelines Commission;
- (17) one member appointed by the state chief information officer;
- ~~(17)~~ (18) one member appointed by the commissioner of public safety;
- ~~(18)~~ (19) one member appointed by the commissioner of corrections;
- ~~(19)~~ (20) one member appointed by the commissioner of administration; and
- ~~(20)~~ (21) one member appointed by the chief justice of the Supreme Court.

In making these appointments, the appointing authority shall select members with expertise in integrated data systems or best practices.

The commissioner of public safety may appoint additional, nonvoting members to the task force as necessary from time to time.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 28. Minnesota Statutes 2004, section 299F.011, subdivision 5, is amended to read:

Subd. 5. **Appeal policy; variance.** Upon application, the state fire marshal may grant variances from the minimum requirements specified in the code if there is substantial compliance with the provisions of the code, the safety of the public and occupants of such building will not be jeopardized, and undue hardship will result to the applicant unless such variance is granted. No appeal to the state fire marshal for a variance from orders issued by a local fire official from the Uniform Fire Code shall be accepted until the applicant has first made application to the local governing body and the local unit has acted on the application. The state fire marshal shall consider ~~the decision any decisions or recommendations~~ of the local governing body. Any person aggrieved by a decision made by the fire marshal under this subdivision may proceed before the fire marshal as with a contested case in accordance with the Administrative Procedure Act.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 29. **[299F.50] DEFINITIONS.**

Subdivision 1. **Scope.** As used in sections 299F.50 to 299F.52, the terms defined in this section have the meanings given them.

Subd. 2. **Installed.** "Installed" means that an approved carbon monoxide alarm is hard-wired into the electrical wiring, directly plugged into an electrical outlet without a switch, or, if the alarm is battery-powered, attached to the wall of the dwelling.

Subd. 3. **Single and multifamily dwelling.** "Single and multifamily dwelling" means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Subd. 4. **Dwelling unit.** "Dwelling unit" means an area meant for living or sleeping by human occupants.

Subd. 5. **Approved carbon monoxide alarm.** "Approved carbon monoxide alarm" means a device meant for the purpose of detecting carbon monoxide that is certified by a nationally recognized testing laboratory to conform to the latest Underwriters Laboratories Standards (known as UL2034 standards).

Subd. 6. **Operational.** "Operational" means working and in service.

EFFECTIVE DATE. This section is effective January 1, 2007, for all newly constructed single family and multifamily dwelling units for which building permits were issued on or after January 1, 2007; August 1, 2008, for all existing single family dwelling units; and August 1, 2009, for all multifamily dwelling units.

Sec. 30. **[299F.51] REQUIREMENTS FOR CARBON MONOXIDE ALARMS.**

Subdivision 1. **Generally.** Every single family dwelling and every dwelling unit in a multifamily dwelling must have an approved and operational carbon monoxide alarm installed within ten feet of each room lawfully used for sleeping purposes.

Subd. 2. **Owner's duties.** The owner of a multifamily dwelling unit which is required to be equipped with one or more approved carbon monoxide alarms must:

(1) provide and install one approved and operational carbon monoxide alarm within ten feet of each room lawfully used for sleeping; and

(2) replace any required carbon monoxide alarm that has been stolen, removed, found missing, or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy of a dwelling unit.

Subd. 3. **Occupant's duties.** The occupant of each dwelling unit in a multifamily dwelling in which an approved and operational carbon monoxide alarm has been provided and installed by the owner must:

(1) keep and maintain the device in good repair; and

(2) replace any device that is stolen, removed, missing, or rendered inoperable during the occupancy of the dwelling unit.

Subd. 4. **Battery removal prohibited.** No person shall remove batteries from, or in any way render inoperable, a required carbon monoxide alarm.

Subd. 5. **Exceptions; certain multifamily dwellings and state-operated facilities.** (a) In lieu of requirements of subdivision 1, multifamily dwellings may have approved and operational carbon monoxide alarms installed between 15 and 25 feet of carbon monoxide producing central fixtures and equipment provided there is a centralized alarm system or other mechanism for responsible parties to hear the alarm at all times.

(b) An owner of a multifamily dwelling that contains minimal or no sources of carbon monoxide may be exempted from the requirements of subdivision 1, provided that such owner certifies to the commissioner of public safety that such multifamily dwelling poses no foreseeable carbon monoxide risk to the health and safety to the dwelling units.

(c) The requirements of this section do not apply to facilities owned or operated by the state of Minnesota.

EFFECTIVE DATE. This section is effective January 1, 2007, for all newly constructed single family and multifamily dwelling units for which building permits were issued on or after January 1, 2007; August 1, 2008, for all existing single family dwelling units; and August 1, 2009, for all multifamily dwelling units.

Sec. 31. **[299F.52] ENFORCEMENT.**

A violation of section 299F.50 or 299F.51 subjects the owner of the single family dwelling, multifamily dwelling, or dwelling unit to the same penalty and enforcement mechanism provided for violations of the Uniform Fire Code provided in section 299F.011, subdivision 6.

EFFECTIVE DATE. This section is effective January 1, 2007, for all newly constructed single family and multifamily dwelling units for which building permits were issued on or after January 1, 2007; August 1, 2008, for all existing single family dwelling units; and August 1, 2009, for all multifamily dwelling units.

Sec. 32. Minnesota Statutes 2004, section 624.22, subdivision 8, is amended to read:

Subd. 8. **Suspension, revocation, or refusal to renew certification.** (a) The state fire marshal

may suspend, revoke, or refuse to renew certification of an operator if the operator has:

- (1) submitted a fraudulent application;
- (2) caused or permitted a fire or safety hazard to exist or occur during the storage, transportation, handling, preparation, or use of fireworks;
- (3) conducted a display of fireworks without receipt of a permit required by the state or a political subdivision;
- (4) conducted a display of fireworks with assistants who were not at least 18 years of age, properly instructed, and continually supervised; or
- (5) otherwise failed to comply with any federal or state law or regulation, or the guidelines, relating to fireworks.

(b) Any person aggrieved by a decision made by the state fire marshal under this subdivision may petition the state fire marshal in writing to reconsider the decision. The state fire marshal shall render a decision in writing within 30 days of receipt of the written request for reconsideration. Following reconsideration, the person may appeal the decision to the district court.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 33. MISSING ADULTS MODEL POLICY.

The superintendent of the Bureau of Criminal Apprehension, in consultation with the Minnesota Sheriffs Association and the Minnesota Chiefs of Police Association, shall develop a model policy to address law enforcement efforts and duties regarding missing adults and provide training to local law enforcement agencies on this model policy.

By February 1, 2007, the superintendent shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the model policy and training.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 34. POST BOARD AUDIT.

The Peace Officer Standards and Training Board shall conduct a training audit of its practitioners, including chiefs of police and county sheriffs, to determine what training is currently offered, what new training is necessary, and how it should be implemented. Training topics shall include the policing of immigrant communities and racial profiling.

EFFECTIVE DATE. This section is effective July 1, 2006.

ARTICLE 4

CORRECTIONS

Section 1. Minnesota Statutes 2004, section 144.445, subdivision 1, is amended to read:

Subdivision 1. **Screening of inmates.** (a) All persons detained or confined for 14 consecutive days or more in facilities operated, licensed, or inspected by the Department of Corrections shall be screened for tuberculosis with either a Mantoux test or a chest roentgenogram (x-ray) as consistent with screening and follow-up practices recommended by the United States Public Health Service or the Department of Health, as determined by the commissioner of health. Administration of the Mantoux test or chest roentgenogram (x-ray) must take place on or before the 14th day of detention or confinement.

(b) If an inmate refuses to submit to an annual test as specified in paragraph (a), the commissioner

of corrections may order the inmate to be tested.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 2. Minnesota Statutes 2004, section 241.016, subdivision 1, is amended to read:

Subdivision 1. **Biennial report.** (a) The Department of Corrections shall submit a performance report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding by January 15, 2005, and every other year thereafter. The issuance and content of the report must include the following:

- (1) department strategic mission, goals, and objectives;
- (2) the department-wide per diem, adult facility-specific per diems, and an average per diem, reported in a standard calculated method as outlined in the departmental policies and procedures; and
- (3) department annual statistics as outlined in the departmental policies and procedures; and
- (4) information about prison-based mental health programs, including, but not limited to, the availability of these programs, participation rates, and completion rates.

(b) The department shall maintain recidivism rates for adult facilities on an annual basis. In addition, each year the department shall, on an alternating basis, complete a recidivism analysis of adult facilities, juvenile services, and the community services divisions and include a three-year recidivism analysis in the report described in paragraph (a). When appropriate, the recidivism analysis must include education programs, vocational programs, treatment programs, including mental health programs, industry, and employment. In addition, when reporting recidivism for the department's adult and juvenile facilities, the department shall report on the extent to which offenders it has assessed as chemically dependent commit new offenses, with separate recidivism rates reported for persons completing and not completing the department's treatment programs.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 3. [241.0222] CONTRACTS WITH NEWLY CONSTRUCTED JAIL FACILITIES THAT PROVIDE ACCESS TO CHEMICAL DEPENDENCY TREATMENT PROGRAMS.

Notwithstanding section 16C.05, subdivision 2, the commissioner may enter into contracts, up to five years in duration, with a county or group of counties to house inmates committed to the custody of the commissioner in newly constructed county or regional jail facilities that provide inmates access to chemical dependency treatment programs licensed by the Department of Human Services. A contract entered into under this section may contain an option to renew the contract for a term of up to five years.

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

Sec. 4. Minnesota Statutes 2005 Supplement, section 241.06, is amended by adding a subdivision to read:

Subd. 3. **Substance abuse information provided to supervising corrections agency.** When an offender is being released from prison, the commissioner shall provide to the corrections agency that will supervise the offender prison records relating to that offender's prison-based substance abuse assessments, treatment, and any other substance abuse-related services provided to the offender. If the offender did not participate in the prison-based substance abuse program to which the offender was directed, the commissioner shall provide the supervising agency with an explanation of the reasons.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 5. [241.40] PERIODIC REVIEWS OF SUBSTANCE ABUSE ASSESSMENT

PROCESS.

By January 15, 2007, and at least once every three years thereafter, the commissioner shall ensure that an outside entity conducts an independent review of the department's prison-based substance abuse assessment activities.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 6. [241.415] RELEASE PLANS; SUBSTANCE ABUSE.

The commissioner shall cooperate with community-based corrections agencies to determine how best to address the substance abuse treatment needs of offenders who are being released from prison. The commissioner shall ensure that an offender's prison release plan adequately addresses the offender's needs for substance abuse assessment, treatment, or other services following release, within the limits of available resources.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 7. [241.416] SUBSTANCE ABUSE PROGRAMS; RECORD KEEPING.

The commissioner shall keep adequate records regarding inmate participation in substance abuse treatment programs. For inmates who did not comply with directives to participate in substance abuse treatment programs, these records must include the reasons why the inmate did not do so.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 8. [241.75] INMATE HEALTH CARE DECISIONS.

Subdivision 1. **Definitions.** (a) Except as provided in paragraph (b), the definitions in chapter 145C apply to this section.

(b) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or otherwise affect a person's physical or mental condition.

Subd. 2. **Health care decisions.** The medical director of the Department of Corrections may make a health care decision for an inmate incarcerated in a state correctional facility if the inmate's attending physician determines that the inmate lacks decision-making capacity and:

(1) there is not a documented health care agent designated by the inmate or the health care agent is not reasonably available to make the health care decision;

(2) if there is a documented health care directive, the decision is consistent with that directive;

(3) the decision is consistent with reasonable medical practice and other applicable law; and

(4) the medical director has made a good-faith attempt to consult with the inmate's next of kin or emergency contact person in making the decision, to the extent those persons are reasonably available.

Subd. 3. **Disagreement regarding health care; guardianship petition.** If the medical director consults with an inmate's next of kin under subdivision 2, clause (4), and the inmate's next of kin and the medical director are not in agreement with respect to a health care decision, the commissioner may bring a petition under section 524.5-303 for appointment of a guardian with authority to make health care decisions for the inmate.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 9. Minnesota Statutes 2005 Supplement, section 244.055, subdivision 10, is amended to read:

Subd. 10. **Notice.** Upon receiving an offender's petition for release under subdivision 2, the

commissioner shall notify the prosecuting authority responsible for the offender's conviction and the sentencing court. The commissioner shall give the authority and court a reasonable opportunity to comment on the offender's potential release. If the authority or court elects to comment, the comments must specify the reasons for the authority or court's position. This subdivision applies only to offenders sentenced before July 1, 2005.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 10. Minnesota Statutes 2005 Supplement, section 244.055, subdivision 11, is amended to read:

Subd. 11. **Sunset.** This section expires July 1, ~~2007~~ 2009.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 11. Minnesota Statutes 2005 Supplement, section 609.3455, subdivision 8, is amended to read:

Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The provisions of this subdivision relating to conditional release apply to all sex offenders sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is governed by provisions relating to supervised release. The commissioner of corrections may not dismiss an offender on conditional release from supervision until the offender's conditional release term expires.

(b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person released under this subdivision. The plan may include co-payments from offenders, third-party payers, local agencies, or other funding sources as they are identified. This section does not require the commissioner to accept or retain an offender in a treatment program. Before the offender is placed on conditional release, the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced of the terms of the offender's conditional release. The commissioner also shall make reasonable efforts to notify the victim of the offender's crime of the terms of the offender's conditional release. If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve all or a part of the remaining portion of the conditional release term in prison.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 12. Minnesota Statutes 2004, section 631.425, subdivision 3, is amended to read:

Subd. 3. **Continuation of employment.** If the person committed under this section has been regularly employed, the sheriff shall arrange for a continuation of the employment insofar as possible without interruption. If the person is not employed, the court may designate a suitable person or agency to make reasonable efforts to secure some suitable employment for that person. An inmate employed under this section must be paid a fair and reasonable wage for work performed and must work at fair and reasonable hours per day and per week. There must not be a fee or charge for the inmate to participate in any employment under this section if the inmate is paying for the cost of the inmate's maintenance under subdivision 5.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 13. Minnesota Statutes 2004, section 641.265, subdivision 2, is amended to read:

Subd. 2. **Withdrawal.** A county board may withdraw from cooperation in a regional jail system ~~if the county boards of all of the other cooperating counties decide, by majority vote, to allow the withdrawal in accordance with the terms of a joint powers agreement.~~ With the approval of the

county board of each cooperating county, the regional jail board shall fix the sum, if any, to be paid to the county withdrawing, to reimburse it for capital cost, debt service, or lease rental payments made by the county prior to withdrawal, in excess of its proportionate share of benefits from the regional jail prior to withdrawal, and the time and manner of making the payments. The payments shall be deemed additional payments of capital cost, debt service, or lease rentals to be made proportionately by the remaining counties and, when received, shall be deposited in and paid from the regional jail fund; provided that:

~~(a)~~ (1) payments shall not be made from any amounts in the regional jail fund which are needed for maintenance and operation expenses or lease rentals currently due and payable; and

~~(b)~~ (2) the withdrawing county shall remain obligated for the payment of its proportionate share of any lease rentals due and payable after its withdrawal, in the event and up to the amount of any lease payment not made when due by one or more of the other cooperating counties.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 14. Laws 2005, chapter 136, article 1, section 13, subdivision 3, is amended to read:

Subd. 3. Community Services	103,556,000	103,369,000
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Summary by Fund

General Fund	103,456,000	103,269,000
Special Revenue	100,000	100,000

SHORT-TERM OFFENDERS. \$1,207,000 each year is for costs associated with the housing and care of short-term offenders. The commissioner may use up to 20 percent of the total amount of the appropriation for inpatient medical care for short-term offenders with less than six months to serve as affected by the changes made to Minnesota Statutes, section 609.105, in 2003. All funds remaining at the end of the fiscal year not expended for inpatient medical care shall be added to and distributed with the housing funds. These funds shall be distributed proportionately based on the total number of days short-term offenders are placed locally, not to exceed \$70 per day. Short-term offenders may be housed in a state correctional facility at the discretion of the commissioner.

The Department of Corrections is exempt from the state contracting process for the purposes of Minnesota Statutes, section 609.105, as amended by Laws 2003, First Special Session chapter 2, article 5, sections 7 to 9.

GPS MONITORING OF SEX OFFENDERS. \$500,000 the first year and \$162,000 the second year are for the acquisition and

service of bracelets equipped with tracking devices designed to track and monitor the movement and location of criminal offenders. The commissioner shall use the bracelets to monitor high-risk sex offenders who are on supervised release, conditional release, parole, or probation to help ensure that the offenders do not violate conditions of their release or probation.

END OF CONFINEMENT REVIEWS. \$94,000 each year is for end of confinement reviews.

COMMUNITY SURVEILLANCE AND SUPERVISION. \$1,370,000 each year is to provide housing options to maximize community surveillance and supervision.

INCREASE IN INTENSIVE SUPERVISED RELEASE SERVICES. \$1,800,000 each year is to increase intensive supervised release services.

SEX OFFENDER ASSESSMENT REIMBURSEMENTS. \$350,000 each year is to ~~provide grants to~~ reimburse counties or their designees, or courts for reimbursements for sex offender assessments as required under Minnesota Statutes, section 609.3452, subdivision 1, which is being renumbered as section 609.3457.

SEX OFFENDER TREATMENT AND POLYGRAPHS. \$1,250,000 each year is to provide treatment for sex offenders on community supervision and to pay for polygraph testing.

INCREASED SUPERVISION OF SEX OFFENDERS, DOMESTIC VIOLENCE OFFENDERS, AND OTHER VIOLENT OFFENDERS. \$1,500,000 each year is for the increased supervision of sex offenders and other violent offenders, including those convicted of domestic abuse. These appropriations may not be used to supplant existing state or county probation officer positions.

The commissioner shall distribute \$1,050,000 in grants each year to Community Corrections Act counties and \$450,000 each year to the Department of Corrections Probation and Supervised Release Unit. The commissioner shall distribute the funds to the Community Corrections Act counties according to the

formula contained in Minnesota Statutes, section 401.10.

Prior to the distribution of these funds, each Community Corrections Act jurisdiction and the Department of Corrections Probation and Supervised Release Unit shall submit to the commissioner an analysis of need along with a plan to meet their needs and reduce the number of sex offenders and other violent offenders, including domestic abuse offenders, on probation officer caseloads.

COUNTY PROBATION OFFICERS. \$500,000 each year is to increase county probation officer reimbursements.

INTENSIVE SUPERVISION AND AFTERCARE FOR CONTROLLED SUBSTANCES OFFENDERS; REPORT. \$600,000 each year is for intensive supervision and aftercare services for controlled substances offenders released from prison under Minnesota Statutes, section 244.055. These appropriations are not added to the department's base budget. By January 15, 2008, the commissioner shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on how this appropriation was spent.

REPORT ON ELECTRONIC MONITORING OF SEX OFFENDERS. By March 1, 2006, the commissioner shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on implementing an electronic monitoring system for sex offenders who are under community supervision. The report must address the following:

- (1) the advantages and disadvantages in implementing this system, including the impact on public safety;
- (2) the types of sex offenders who should be subject to the monitoring;
- (3) the time period that offenders should be subject to the monitoring;
- (4) the financial costs associated with the

monitoring and who should be responsible for these costs; and

(5) the technology available for the monitoring.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 15. **SUBSTANCE ABUSE TREATMENT; RECOMMENDATIONS, REPORT.**

(a) The commissioner of corrections shall make recommendations to:

(1) improve the availability of prison-based substance abuse treatment programming and related services; and

(2) better ensure that offenders released from prison receive appropriate community-based substance abuse treatment and services.

These recommendations must include an estimate of the financial costs associated with implementing them.

(b) The commissioner shall recommend changes in prison-based programs or release plans to improve the postprison release outcomes of:

(1) inmates who are directed to complete prison-based short-term substance abuse programs; and

(2) inmates who fail the prison-based substance abuse programs they start.

(c) By January 15, 2007, the commissioner shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the commissioner's recommendations under paragraphs (a) and (b).

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

ARTICLE 5

CORONERS AND MEDICAL EXAMINERS

Section 1. Minnesota Statutes 2004, section 390.005, is amended to read:

390.005 ELECTION OR APPOINTMENT, ELIGIBILITY; VACANCIES; REMOVAL.

Subdivision 1. ~~County election~~ **Selection of coroner or medical examiner.** Each county must have a coroner or medical examiner. A coroner shall may be elected in each county, as prescribed by section 382.01, except as provided in this section or appointed in each county. A medical examiner must be appointed by the county board. The term of an appointed coroner or medical examiner must not be longer than four years.

Subd. 2. **Appointment by resolution.** ~~In a county where the office of coroner has not been abolished,~~ The board of county commissioners may, by resolution, state its intention to fill the office of coroner by appointment. The resolution must be adopted at least six months before the end of the term of the incumbent coroner, if elected. After the resolution is adopted, the board shall fill the office by appointing a person not less than 30 days before the end of the incumbent's term. The appointed coroner shall serve for a term of office determined by the board beginning upon the expiration of the term of the incumbent. The term must not be longer than four years.

If there is a vacancy in the elected office in the county, the board may by resolution, state its intention to fill the office by appointment. When the resolution is adopted, the board shall fill the office by appointment immediately. The coroner shall serve for a term determined by the board. The term must not be longer than four years.

Subd. 3. ~~**Educational requirements**~~ **Qualifications.** ~~A coroner must have successfully completed academic courses in pharmacology, surgery, pathology, toxicology, and physiology. However, if a board of county commissioners determines that the office of coroner shall not be elective and it cannot appoint any person meeting the educational qualifications as coroner, the board may:~~

~~(1) appoint any qualified person, whether or not a resident of the county; or~~

~~(2) if no qualified person can be found, appoint a person who is serving or has served as deputy coroner, whether or not a resident of the county. (a) The medical examiner must be a forensic pathologist who is certified or eligible for certification by the American Board of Pathology. The medical examiner is an appointed public official in a system of death investigation in which the administrative control, the determination of the extent of the examination, need for autopsy, and the filing of the cause and manner of death information with the state registrar pursuant to section 144.221 are all under the control of the medical examiner.~~

~~(b) The coroner must be a physician with a valid license in good standing under chapter 147, to practice medicine as defined under section 147.081, subdivision 3. The coroner is a public official, elected or appointed, whose duty is to make inquiry into deaths in certain categories, determine the cause and manner of death, and file the information with the state registrar pursuant to section 144.221. The coroner must obtain additional training in medicolegal death investigation, such as training by the American Board of Medicolegal Death Investigators, within four years of taking office, unless the coroner has already obtained this training.~~

~~(c) The coroner or medical examiner need not be a resident of the county.~~

Subd. 4. **Certain incumbents.** ~~An incumbent coroner or medical examiner in office on July 1, 1965 meets the effective date of this section is hereby deemed to meet the qualifications prescribed by this section for the purpose of continuance in, reelection to, or appointment to the office of coroner until the end of the current term of office, after which this statute will apply.~~

Subd. 5. **Vacancies, removal.** ~~Vacancies in the office of coroner or medical examiner shall be filled according to sections 375.08 and 382.02, or under subdivision 1. A The medical examiner or appointed coroner may be removed from office as provided by law, by the county board during a term of office for cause shown after a hearing upon due notice of written charges. The hearing shall be conducted in accordance with that county's human resources policy.~~

EFFECTIVE DATE. ~~This section is effective July 1, 2006.~~

Sec. 2. [390.0065] HENNEPIN COUNTY MEDICAL EXAMINER; SELECTION AND TERM.

Hennepin County shall use the following procedure to select the Hennepin County medical examiner: the Hennepin County Board shall designate three licensed physicians who shall constitute a Medical Examiner Board. One member shall be a dean or professor of the Department of Pathology of a Class A medical school as designated by the American Medical Association. Another member of the board shall be a member of the Minnesota Society of Pathologists. The third member shall be designated by the Hennepin County Medical Association from its membership. The Medical Examiner Board shall accept applications for the position of Hennepin County medical examiner when a vacancy exists in the office. Applications therefore shall be considered from doctors of medicine who are: (1) graduates of a medical school recognized by the American Medical Association or American Osteopathic Association, (2) members in good standing in the medical profession, (3) eligible for appointment to the staff of the Hennepin County Medical Center, and (4) certified or eligible for certification in forensic pathology by the American Board of Pathology. The Medical Examiner Board shall review the qualifications of the applicants and shall rank the applicants deemed qualified for the position and provide to the county board a report of the seven highest ranked applicants together with their qualifications. The county board shall appoint a county medical examiner from those listed in the report. The term of the examiner shall

continue for four years from the date of appointment. Reappointment shall be made at least 90 days prior to the expiration of the term. If a vacancy requires a temporary appointment, the board of commissioners shall appoint a medical doctor on the staff of the county medical examiner's office to assume the duties of the medical examiner until an appointment can be made in compliance with the specified selection procedure. Actual and necessary expenses of the Medical Examiner Board shall be paid in accordance with sections 471.38 to 471.415.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 3. Minnesota Statutes 2004, section 390.01, is amended to read:

390.01 BOND AND INDEMNIFICATION.

Before taking office, the coroner shall post bond to the state in a penal sum set by the county board, not less than \$500 nor more than \$10,000. The coroner's bond is subject to the same conditions in substance as in the bond required by law to be given by the sheriff, except as to the description of the office. The coroner or medical examiner shall be included in the bond held by the county for all appointed and elected county officials and shall be defended and indemnified, pursuant to section 466.07. The bond and oath of office shall be recorded and filed with the county recorder.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 4. **[390.011] AUTONOMY.**

The coroner or medical examiner is an independent official of the county, subject only to appointment, removal, and budgeting by the county board.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 5. **[390.012] JURISDICTION.**

The coroner or medical examiner of the county in which a person dies or is pronounced dead shall have jurisdiction over the death, regardless of where any injury that resulted in the death occurred. The place where death is pronounced is deemed to be the place where death occurred. If the place of death is unknown but the dead body is found in Minnesota, the place where the body is found is considered the place of death. If the date of death is unknown, the date the body is found is considered the date of death, but only for purposes of this chapter. When a death occurs in a moving conveyance and the body is first removed in Minnesota, documentation of death must be filed in Minnesota and the place of death is considered the place where the body is first removed from the conveyance.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 6. Minnesota Statutes 2004, section 390.04, is amended to read:

390.04 TO ACT WHEN SHERIFF A PARTY TO AN ACTION PROVISION FOR TRANSFER OF JURISDICTION.

When the sheriff is a party to an action or when a party, or a party's agent or attorney, files with the court administrator of the district court an affidavit stating that the party believes the sheriff, coroner or medical examiner, because of partiality, prejudice, consanguinity, or interest, will is not faithfully able to perform the sheriff's coroner or medical examiner's duties in an action commenced, or about to be commenced, the clerk shall direct process in the action to the coroner. The coroner shall perform the duties of the sheriff relative to the action in the same manner required for a sheriff. the coroner or medical examiner shall have the authority to transfer jurisdiction to another coroner or medical examiner, as arranged by the county board.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 7. Minnesota Statutes 2005 Supplement, section 390.05, is amended to read:

390.05 DEPUTIES MEDICAL EXAMINER OR CORONER STAFF.

A The coroner shall or medical examiner may appoint one or more deputies, assistant coroners or assistant medical examiners, as necessary to fulfill the duties of the office, subject to authorization by the county board. Such assistants shall have the same qualifications as a coroner or medical examiner. When the coroner or medical examiner is absent or unable to act, deputies assistants shall have the same powers and duties and are subject to the same liabilities as coroners. A deputy shall be appointed in writing. The oath and appointment shall be recorded with the county recorder. The deputy shall act by name as deputy coroner and hold office at the same time as the coroner. limitations as the coroner or medical examiner. The assistants shall be appointed in writing, shall take an oath that shall be recorded and filed with the county recorder, and shall be included in the county bond. The assistant shall act by name as assistant coroner or medical examiner and hold office at the pleasure of the coroner or medical examiner.

A coroner or medical examiner may appoint one or more investigators, with such qualifications as the coroner or medical examiner deems appropriate. Such investigators shall have the powers and duties that are delegated to them by the coroner or medical examiner. Unless they are public employees of that county, investigators shall be appointed in writing and take an oath, shall be included in the county bond, and the oath and appointment shall be recorded and filed with the county recorder. Subject to authorization of the county board, assistants may be appointed to the unclassified service and investigators to the classified service of the county.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 8. [390.061] MORGUE.

Every county need not have a morgue, but there must be a system or process for receiving, storing, and releasing all dead bodies subject to this statute.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 9. Minnesota Statutes 2004, section 390.11, is amended to read:

390.11 INVESTIGATIONS AND INQUESTS.

Subdivision 1. ~~Deaths requiring inquests and investigations~~ **Reports of death.** Except as provided in subdivision 1a, the coroner shall investigate and may conduct inquests in all human deaths of the following types: All sudden or unexpected deaths and all deaths that may be due entirely or in part to any factor other than natural disease processes must be promptly reported to the coroner or medical examiner for evaluation. Sufficient information must be provided to the coroner or medical examiner. Reportable deaths include, but are not limited to:

(1) unnatural deaths, including violent deaths, whether apparently homicidal, suicidal, or accidental, including but not limited to deaths due to thermal, chemical, electrical, or radiational injury, and deaths due to criminal abortion, whether apparently self-induced or not; arising from homicide, suicide, or accident;

(2) deaths due to a fire or associated with burns or chemical, electrical, or radiation injury;

(3) unexplained or unexpected perinatal and postpartum maternal deaths;

~~(2)~~ (4) deaths under suspicious, unusual, or mysterious unexpected circumstances;

~~(3)~~ (5) deaths of persons whose bodies are to be cremated, dissected, buried at sea, or otherwise disposed of so that the bodies will later be unavailable for examination; and

~~(4)~~ (6) deaths of inmates of public institutions and persons in custody of law enforcement officers who are have not been hospitalized primarily for organic disease and whose deaths are not of any

~~type referred to in clause (1) or (2);~~

(7) deaths that occur during, in association with, or as the result of diagnostic, therapeutic, or anesthetic procedures;

(8) deaths due to culpable neglect;

(9) stillbirths of 20 weeks or longer gestation unattended by a physician;

(10) sudden deaths of persons not affected by recognizable disease;

(11) unexpected deaths of persons notwithstanding a history of underlying disease;

(12) deaths in which a fracture of a major bone such as a femur, humerus, or tibia has occurred within the past six months;

(13) deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program;

(14) deaths of persons not seen by their physician within 120 days of demise;

(15) deaths of persons occurring in an emergency department;

(16) stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances including street drugs or in which there is history or evidence of maternal trauma;

(17) unexpected deaths of children;

(18) solid organ donors;

(19) unidentified bodies;

(20) skeletonized remains;

(21) deaths occurring within 24 hours of arrival at a health care facility if death is unexpected;

(22) deaths associated with the decedent's employment;

(23) deaths of nonregistered hospice patients or patients in nonlicensed hospice programs; and

(24) deaths attributable to acts of terrorism.

The coroner or medical examiner shall determine the extent of the coroner's or medical examiner's investigation, including whether additional investigation is needed by the coroner or medical examiner, jurisdiction is assumed, or an autopsy will be performed, notwithstanding any other statute.

~~Subd. 1a. Commissioner of corrections; investigation of deaths. The commissioner of corrections may require that all Department of Corrections incarcerated deaths be reviewed by an independent, contracted, board-certified forensic pathologist. For deaths occurring within a facility licensed by the Department of Corrections, the coroner or medical examiner shall ensure that a forensic pathologist who is certified by the American Board of Pathology reviews each death and performs an autopsy on all unnatural, unattended, or unexpected deaths and others as necessary.~~

Subd. 1b. Hospice registration. Each coroner and medical examiner shall establish a registration policy regarding hospice patients. If a hospice patient is determined to be properly preregistered, the coroner or medical examiner may treat the death as attended by a physician.

~~Subd. 2. Violent or mysterious deaths; Autopsies. The coroner or medical examiner may conduct order an autopsy, at the coroner or medical examiner's sole discretion, in the case of any human death referred to in subdivision 1, clause (1) or (2), when, in the judgment of the coroner~~

~~judges that or medical examiner the public interest requires would be served by an autopsy, except that an autopsy must be conducted in all unattended inmate deaths that occur in a state correctional facility. The autopsy shall be performed without unnecessary delay. A report of the facts developed by the autopsy and findings of the person performing the autopsy shall be made promptly and filed in the office of the coroner or medical examiner. When further investigation is deemed advisable, a copy of the report shall be delivered to the county attorney. Every autopsy performed pursuant to this subdivision shall, whenever practical, be performed in the county morgue. Nothing herein shall require the coroner or medical examiner to order an autopsy upon the body of a deceased person if the person died of known or ascertainable causes or had been under the care of a licensed physician immediately prior to death or if the coroner or medical examiner determines the autopsy to be unnecessary.~~

Autopsies performed pursuant to this subdivision may include the removal, retention, testing, or use of organs, parts of organs, fluids or tissues, at the discretion of the coroner or medical examiner, when removal, retention, testing, or use may be useful in determining or confirming the cause of death, mechanism of death, manner of death, identification of the deceased, presence of disease or injury, or preservation of evidence. Such tissue retained by the coroner or medical examiner pursuant to this subdivision shall be disposed of in accordance with standard biohazardous hospital and/or surgical material and does not require specific consent or notification of the legal next of kin. When removal, retention, testing, and use of organs, parts of organs, fluids, or tissues is deemed beneficial, and is done only for research or the advancement of medical knowledge and progress, written consent or documented oral consent shall be obtained from the legal next of kin, if any, of the deceased person prior to the removal, retention, testing, or use.

~~Subd. 2a. **Deaths caused by fire; autopsies.** The coroner shall conduct an autopsy in the case of any human death reported to the coroner by the state fire marshal or a chief officer under section 299F.04, subdivision 5, and apparently caused by fire. The coroner or medical examiner shall conduct an autopsy or require that one be performed in the case of a death reported to the coroner or medical examiner by the state fire marshal or a chief officer under section 299F.04, subdivision 5, and apparently caused by fire, and in which the decedent is pronounced dead outside of a hospital or in which identification of the decedent has not been confirmed. If the decedent has died in a hospital and identification is not in question, an autopsy may be performed or ordered by the coroner or medical examiner.~~

~~Subd. 3. **Other deaths; autopsies; Exhumation; consent disinterment.** The coroner may conduct an autopsy in the case of any human death referred to in subdivision 1, clause (3) or (4), or medical examiner may exhume any human body and perform an autopsy on it in the case of any human death referred to in subdivision 1 when the coroner or medical examiner judges that the public interest requires an autopsy. No autopsy exhumation shall be conducted unless the surviving spouse, or legal next of kin if there is no surviving spouse, consents to it, or the district court of the county where the body is located or buried, upon notice as the court directs, enters an order authorizing an autopsy or an exhumation and autopsy orders it. Notice of such exhumation shall be given as directed by the district court. Application for an order may be made by the coroner, medical examiner, or by the county attorney of the county where the body is located or buried, and shall be granted upon a showing that the court deems appropriate.~~

~~Subd. 4. **Assistance of medical specialists.** If during an investigation the coroner or medical examiner believes the assistance of pathologists, toxicologists, deputy coroners, laboratory technicians, or other medical, scientific, or forensic experts is necessary to determine or confirm the cause or manner of death, identification, time of death, or to address other issues requiring expert opinion, the coroner shall or medical examiner may obtain their assistance.~~

~~Subd. 5. **Inquest.** An inquest into a death may be held at the request of the medical examiner and the county attorney or the coroner and the county attorney. An inquest is optional and the coroner or medical examiner may investigate and certify a death without one. The coroner or medical examiner and county attorney may decide how to empanel the inquest. Inquest records will be made public, but the record and report of the inquest proceedings may not be used in evidence in any civil action~~

arising out of the death for which an inquest was ordered. ~~Before an inquest is held, the coroner shall notify the county attorney to appear and examine witnesses at the inquest.~~

Whenever the decision is made to hold an inquest, the county attorney may issue subpoenas for witnesses and enforce their attendance. The persons served with subpoenas shall be allowed the same compensation and be subject to the same enforcement and penalties as provided by Rule 22 of the Minnesota Rules of Criminal Procedure.

Subd. 6. Records kept by coroner or medical examiner. The coroner or medical examiner shall keep full and complete records, properly indexed records, giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of death, and all other relevant available information concerning the death, that the coroner or medical examiner considers pertinent. These records of the coroner or medical examiner are the property of the county and subject to chapter 13. These records shall be kept at the coroner's or medical examiner's office, unless no storage space is available. They shall then be kept with official county records and only released in accordance with the Data Practices Act. Records shall be kept in accordance with section 15.17.

Subd. 7. Reports Duty to report. (a) Deaths of the types described in this section must be promptly reported for investigation to the coroner or medical examiner and, when appropriate, to the law enforcement agency with jurisdiction, by the law enforcement officer, attending physician, health care professional, mortician or funeral director, person in charge of the public institutions referred to in subdivision 1, or other person with knowledge of the death, anyone who discovers a deceased person. In a case in which a crime may be involved, the coroner or medical examiner shall promptly notify the law enforcement agency with jurisdiction over a criminal investigation of the death.

Subd. 7a. Records and other material available to coroner or medical examiner. (b) For the purposes of this section, health-related records or data on a decedent, Except for health data defined in section 13.3805, subdivision 1, paragraph (a), clause (2), health-related records or data on a decedent whose death is being investigated under this section, whether the records or data are recorded or unrecorded, including but not limited to those concerning medical, surgical, psychiatric, psychological, or any other consultation, diagnosis, or treatment, including medical imaging, shall be made promptly available to the coroner or medical examiner, upon the coroner's or medical examiner's written request, by a any person, agency, entity, or organization having custody of, possession of, access to, or knowledge of the records or data. This provision includes records and data, whether recorded or unrecorded, including but not limited to, records and data, including medical imaging, concerning medical, surgical, psychiatric, psychological, chemical dependency, or any other consultation, diagnosis, or treatment. In cases involving a stillborn infant or the death of a fetus or infant less than one year of age, the prenatal records on the decedent's mother may also be subpoenaed by the coroner or medical examiner. The coroner or medical examiner shall pay the reasonable costs of copies of records or data so provided to the coroner under this section. Data collected or created pursuant to this subdivision relating to any psychiatric, psychological, or mental health consultation with, diagnosis of, or treatment of the decedent whose death is being investigated shall remain confidential or protected nonpublic data, except that the coroner's or medical examiner's final summary report may contain a summary of, or references to, such data. Where records of a decedent become part of the medical examiner's or coroner's file, they are not subject to subpoena or a request for production directed to the medical examiner or coroner. Body fluids, slides, tissue, organ specimens, radiographs, monitor records, video or other recordings, and any other material or article of diagnostic value obtained from the decedent prior to death, shall be made available to the coroner or medical examiner upon request. Notwithstanding the provisions of sections 13.384 and 595.02, the coroner or medical examiner shall have the power to subpoena any and all documents, records, including medical records, and papers deemed useful in the investigation of a death.

Subd. 7b. Records released by coroner or medical examiner. Records and reports, including those of autopsies performed, generated, and certified by the coroner or medical examiner shall be

admissible as evidence in any court or grand jury proceeding. The admissibility of such evidence under this subdivision shall not include statements made by witnesses or other persons unless otherwise admissible.

Subd. 8. **Investigation procedure; coroner or medical examiner in charge of body.** Upon notification of a ~~the death subject to~~ of any person as defined in this section, the coroner or ~~deputy shall~~ medical examiner staff or their ~~designee~~ may proceed to the body, take charge of it, and, ~~arrange for transfer of it, when appropriate.~~ This provision also applies to bones, body parts, and specimens that may be human remains. ~~Discovery of such bones, body parts, and specimens must be promptly reported to the coroner or medical examiner.~~ When necessary, the coroner or medical examiner staff, ~~in coordination with the applicable law enforcement agency, may order that there be no interference with or compromise of the body or the scene of death.~~ In the event a person is transported to an emergency vehicle or facility and pronounced dead, the scene of death shall include the original location of the decedent when first discovered to be ill, unresponsive, or stricken prior to removal by emergency medical personnel. Any person violating such an order is guilty of a gross misdemeanor. ~~The coroner or medical examiner staff shall make inquiry regarding the cause and manner of death and, in cases that fall under the medical examiner's or coroner's jurisdiction, prepare written findings together with the report of death and its circumstances, which shall be filed in the office of the coroner or medical examiner.~~

Subd. 9. **Criminal act report.** ~~On coming to believe that the death may have resulted from a criminal act,~~ The coroner or ~~deputy~~ medical examiner shall deliver a signed copy of the report of investigation or inquest to the county attorney to the county attorney copies of reports or other information created by the coroner's or medical examiner's office in any cases of a potential criminal nature.

Subd. 10. **Sudden Infant death.** If a child under the age of two years dies suddenly and unexpectedly ~~under circumstances indicating that the death may have been caused by sudden infant death syndrome,~~ the coroner, medical examiner, or personal physician shall notify the child's parents or guardian that an autopsy is essential to establish the cause of death as sudden infant death syndrome. If an autopsy reveals that sudden infant death syndrome is the cause of death, that fact must be stated in the autopsy report, the parents or guardian of the child shall be promptly notified of the cause of death and of the availability of counseling services.

Subd. 11. **Autopsy fees.** ~~The coroner may charge a reasonable fee to a person requesting an autopsy if the autopsy would not otherwise be conducted under subdivision 1, 2, or 3.~~

Subd. 12. **Authorized removal of the brain.** If the coroner or medical examiner is informed by a physician or pathologist that a ~~dead person~~ decedent is suspected of having had Alzheimer's disease, the coroner ~~shall~~ or medical examiner may authorize the removal of the brain of the dead person for the purposes of sections 145.131 and 145.132.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 10. Minnesota Statutes 2004, section 390.111, is amended to read:

390.111 EXPENSES AND COMPENSATION.

The county board ~~may allow~~ is responsible for the reasonable and necessary compensation and expenses of the coroner or deputies ~~incurred for telephone tolls, telegrams, postage, the cost of transcribing the testimony taken at an inquest, and other expenses incurred solely for the officers' official business under this chapter.~~ medical examiner, assistants, investigators, and other medical specialists.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 11. Minnesota Statutes 2004, section 390.15, is amended to read:

390.15 WITNESSES; FEES.

~~The coroner or medical examiner may issue subpoenas for witnesses, returnable immediately or at a specified time and place. The persons served with the subpoenas shall be allowed the fees, the coroner shall enforce their attendance, and they shall be subject to the penalties provided by statute or the Rules of Criminal Procedure. charge a fee for cremation approval, duplication of reports, and other administrative functions to recover reasonable expenses, subject to county board approval.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 12. **[390.151] ORGAN AND TISSUE DONATION.**

The coroner or medical examiner may facilitate donation of organs and tissues in compliance with the Uniform Anatomical Gift Act, sections 525.921 to 525.9224.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 13. **[390.152] CREMATION APPROVAL.**

After investigating deaths of persons who are to be cremated, the coroner or medical examiner may give approval for cremation and shall record such approval by either signing a cremation authorization form, or electronically through the centralized electronic system for the processing of death records established by the state registrar. It shall be a misdemeanor to perform a cremation without such approval.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 14. Minnesota Statutes 2004, section 390.21, is amended to read:

390.21 DISPOSITION; BURIAL.

When a coroner holds an inquest upon view of the dead body of any person unknown, or, being called for that purpose, does not think it necessary, on view of the body, that an inquest be held, the coroner shall have the body decently buried. All expenses of the inquisition and burial shall be paid by the county where the dead body is found. After an investigation has been completed, including an autopsy if one is done, the body shall be released promptly to the person or persons who have the right to control the disposition of the body. Section 149A.80, subdivision 2, shall control. If the identity of the deceased person is unknown, or if the body is unclaimed, the medical examiner or coroner shall provide for dignified burial or storage of the remains. Dignified burial shall not include cremation, donation for anatomic dissection, burial at sea, or other disposition that will make the body later unavailable. The county where the dead body is found shall pay reasonable expenses of the burial. If an estate is opened within six years and claim made for the property or proceeds of the sale of the property of the decedent, the county shall be reimbursed the amount spent on burial, with interest at the statutory rate.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 15. Minnesota Statutes 2004, section 390.221, is amended to read:

390.221 BODIES; EFFECTS; CUSTODY.

A person may not remove, move, interfere with, or handle the body or the effects of any person a decedent subject to an investigation by the county coroner or medical examiner except upon order of the coroner or, medical examiner, assistant, or deputy authorized investigator. The coroner or medical examiner shall take charge of the effects found on or near the body of a deceased person and dispose of them as the district court directs by written order directed under section 390.225. If a crime is suspected in connection with the death of a deceased person is suspected, the coroner or medical examiner may prevent any person, except law enforcement personnel, from entering the premises, rooms, or buildings, and shall have the custody of objects that the coroner or examiner deems material evidence in the case. The coroner or medical examiner shall release any property or articles needed for any criminal investigation to law enforcement officers conducting the investigation,

except as noted in section 390.225, subdivision 2. A ~~willful~~ knowing violation of this section is a gross misdemeanor.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 16. **[390.225] PROPERTY.**

Subdivision 1. Procedure. The coroner or medical examiner may take possession of all articles that may be useful in establishing the cause or manner of death, identification, or next of kin of the deceased, and, if taken, mark them for identification, make an inventory, and retain them securely until they are no longer needed for evidence or investigation. Except as noted in subdivision 2, the coroner or medical examiner shall release any property or articles needed for any criminal investigation to law enforcement officers conducting the investigation.

Subd. 2. Retention of property. When a reasonable basis exists for not releasing property or articles to law enforcement officers, the coroner or medical examiner shall consult with the county attorney. If the county attorney determines that a reasonable basis exists for not releasing the property or articles, the coroner or medical examiner may retain them. The coroner or medical examiner shall obtain written confirmation of this opinion and keep a copy in the decedent's file.

Subd. 3. Release of property. With the exception of firearms, when property or articles are no longer needed for the investigation or as evidence, the coroner or medical examiner shall release such property or articles to the person or persons entitled to them. Personal property, including wearing apparel, may be released to the person entitled to control the disposition of the body of the decedent or to the personal representative of the decedent. Personal property not otherwise released pursuant to this subdivision must be disposed of pursuant to section 525.393.

Subd. 4. Firearms. The coroner or medical examiner shall release all firearms, when no longer needed, to the law enforcement agency handling the investigation.

Subd. 5. Property of unknown decedents. If the name of the decedent is not known, the coroner or medical examiner shall release such property to the county for disposal or sale. If the unknown decedent's identity is established and if a representative shall qualify within six years from the time of such sale, the county administrator, or a designee, shall pay the amount of the proceeds of the sale to the representative on behalf of the estate upon order of the court. If no order is made within six years, the proceeds of the sale shall become a part of the general revenue of the county.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 17. Minnesota Statutes 2004, section 390.23, is amended to read:

390.23 DEATH RECORDS OF VIOLENT OR MYSTERIOUS DEATH.

No person, other than the county coroner, or medical examiner, ~~judge exercising probate jurisdiction, or Department of Corrections' independent, contracted, board-certified forensic pathologist,~~ or, for deaths occurring within a facility licensed by the Department of Corrections, the forensic pathologist who reviewed the death, shall ~~issue a record file or amend the cause or manner of death information with the state registrar in cases of likely or suspected accidental, suicidal, homicidal, violent, or mysterious deaths, including suspected homicides,~~ occurring in the county. ~~The Department of Corrections' independent, contracted, board-certified forensic pathologist must issue the certificate of death in all Department of Corrections-incarcerated deaths.~~ The forensic pathologist who reviewed the death of an incarcerated person within a facility licensed by the Department of Corrections may file or amend the cause or manner of death information with the state registrar. If there is reasonable proof that a death has occurred, but no body has been found, a judge may direct the state registrar to register the death with the fact of death information provided by the court order according to section 144.221, subdivision 3.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 18. Minnesota Statutes 2004, section 390.25, is amended to read:

390.25 FINGERPRINTING OF UNIDENTIFIED DECEASED PERSON PERSONS.

Subdivision 1. **Attempts to identify.** Each coroner shall have fingerprinted all deceased persons in the county whose identity is not immediately established. Within 24 hours after the body is found, the coroner shall forward to the Bureau of Criminal Apprehension the fingerprints, fingerprint records, and other identification data. The superintendent of the bureau shall prescribe the form of these reports. The duties are in addition to those imposed on the coroner by section 525.393. The coroner or medical examiner shall make reasonable attempts to identify the deceased person promptly. These actions may include obtaining: photographs of the body; fingerprints from the body, if possible; formal dental examination by a dentist with forensic training, with charting and radiographs; full body radiographs; specimens such as tissue, blood, bone, teeth, and/or hair, suitable for DNA analysis or other identification techniques; blood type; photographs of items such as clothing and property found on and with the body; and anthropological determination of age, race, sex, and stature, if appropriate. All of these actions shall be taken prior to the disposition of any unidentified deceased person.

Subd. 2. **Report to BCA.** After 60 days, the coroner or medical examiner shall provide to the Bureau of Criminal Apprehension missing persons clearinghouse information to be entered into federal and state databases that can aid in the identification, including the National Crime Information Center database. The coroner or medical examiner shall provide to the Bureau of Criminal Apprehension specimens suitable for DNA analysis. DNA profiles and information shall be entered by the Bureau of Criminal Apprehension into federal and state DNA databases within five business days after the completion of the DNA analysis and procedures necessary for the entry of the DNA profile.

Subd. 3. **Other efforts to identify.** Nothing in this section shall be interpreted to preclude any medical examiner or coroner from pursuing other efforts to identify unidentified deceased persons, including publicizing information, descriptions, or photographs that may aid in the identification, allowing family members to identify missing persons, and seeking to protect the dignity of the missing persons.

Subd. 4. **Preservation of data.** The coroner or medical examiner may preserve and retain photographs, specimens, documents, and other data such as dental records, radiographs, fingerprints, or DNA, for establishing or confirming the identification of bodies or for other forensic purposes deemed appropriate under the jurisdiction of the office. Upon request by an appropriate agency, or upon the coroner or medical examiner's own initiative, the coroner or medical examiner may make the information available to aid in the establishment of the identity of a deceased person.

Subd. 5. **Notice to state archaeologist.** After the coroner or medical examiner has completed the investigation, the coroner or medical examiner shall notify the state archaeologist, according to section 307.08, of all unidentified human remains found outside of platted, recorded, or identified cemeteries and in contexts which indicate antiquity of greater than 50 years.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 19. [390.251] REQUEST FOR EXAMINATIONS.

The coroner or medical examiner may, when requested, make physical examinations and tests incident to any matter of a criminal nature under consideration by the district court or county attorney, law enforcement agency, or publicly appointed criminal defense counsel, and shall deliver a copy of a report of such tests and examinations to the person making the request. Such an examination does not establish a doctor-patient relationship. The person making the request shall pay the cost of such examinations and tests.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 20. [390.252] CONTRACTS FOR SERVICES.

A county board may contract to perform coroner or medical examiner services with other units

of government or their agencies under a schedule of fees approved by that board.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 21. **REPEALER.**

Minnesota Statutes 2004, sections 383A.36; 383B.225, subdivisions 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, and 13; 390.006; 390.06; 390.07; 390.16; 390.17; 390.19; 390.20; 390.24; and 390.36, and Minnesota Statutes 2005 Supplement, section 383B.225, subdivision 5, are repealed.

EFFECTIVE DATE. This section is effective July 1, 2006."

Amend the title accordingly

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

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

S.F. No. 3132: A bill for an act relating to data practices; regulating the disclosure of certain data; classifying certain data; regulating tribal identification cards; authorizing the exchange of certain information; requiring the deletion or the correction of certain data; providing civil remedies; amending Minnesota Statutes 2004, sections 13.072, subdivision 1; 13.32, by adding a subdivision; 13.3805, by adding a subdivision; 13.87, by adding a subdivision; 136A.162; 138.17, subdivisions 7, 8; 144.335, by adding a subdivision; 624.714, by adding a subdivision; 626.557, subdivision 9a; Minnesota Statutes 2005 Supplement, sections 13.6905, subdivision 3; 171.02, subdivision 1; 270C.03, subdivision 1; 299C.40, subdivision 1; 325E.59, subdivisions 1, 3; proposing coding for new law in Minnesota Statutes, chapter 171; proposing coding for new law as Minnesota Statutes, chapter 170A; repealing Minnesota Statutes 2004, section 13.6905, subdivision 10; Minnesota Statutes 2005 Supplement, sections 168.346; 171.12, subdivisions 7, 7a; 325E.59, subdivision 2.

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

Page 3, after line 11, insert:

"Sec. 4. **[13.386] BIOMETRIC DATA.**

A government entity must not collect or use data on individuals involving iris scanning or facial recognition unless the collection or use of that data for a specific purpose is authorized by statute. A proposal for statutory authorization of the collection or use of this data must include the budget impact and a cost-benefit analysis of the proposal."

Page 9, line 31, before the period, insert ", except as required by titles XVIII and XIX of the Social Security Act and by Code of Federal Regulations, title 42, section 483.20"

Page 12, line 20, after the first "vehicle" insert "or facilitating motor vehicle transfers and registration"

Page 14, after line 29, insert:

"**Subd. 4. Fees.** In addition to all other fees and surcharges allowed by statute, the commissioner shall charge the following fees for access to data under this section by a permissible user, other than an organ procurement organization or government agency:

- (1) \$1.50 for each request for access to personal information on an individual record basis; and
- (2) \$50 for each request for access to personal information other than on an individual record basis.

The fees collected under this subdivision must be credited to the public safety and financial

crimes account created in section 299A.683."

Page 14, line 30, delete "is" and insert "and subdivision 4 are"

Page 14, line 31, delete "2007" and insert "2008"

Page 15, after line 32, insert:

"Sec. 11. Minnesota Statutes 2005 Supplement, section 299A.681, subdivision 7, is amended to read:

Subd. 7. **Grants authorized.** (a) The commissioner of public safety, upon recommendation of the oversight council, shall make grants to state and local units of government to combat identity theft and financial crime. The commander, as funding permits, may prepare a budget to establish four regional districts and funding grant allocations programs outside the counties of Hennepin, Ramsey, Anoka, Washington, and Dakota. The budget must be reviewed and approved by the oversight council and recommended to the commissioner to support these efforts.

(b) The commissioner shall make specialized financial crimes prosecutors' grants as recommended by the oversight council in consultation with representatives of county attorneys and the attorney general.

Sec. 12. **[299A.683] PUBLIC SAFETY AND FINANCIAL CRIMES ACCOUNT.**

A public safety and financial crimes account is created in the special revenue fund, to consist of the fees collected under section 170A.04, subdivision 4. An amount equal to the fees collected under section 170A.04, subdivision 4, clause (1), is annually appropriated to the commissioner of public safety to develop and operate the system for access to motor vehicle and driver's license records under chapter 170A. An amount equal to the fees collected under section 170A.04, subdivision 4, clause (2), is annually appropriated to the commissioner of public safety to operate the Minnesota Financial Crimes Task Force established under section 299A.681, subdivision 3, clause (1).

Sec. 13. **ELECTRONIC RECORD ACCESS FEE SURCHARGE.**

From July 1, 2006, to December 31, 2007, a surcharge of 75 cents is added to the fee of \$4.50 imposed by Minnesota Statutes, section 168.327, subdivision 1, paragraph (f), for a person to inquire into a record by the person's own electronic means. Receipts from the surcharge are appropriated to the commissioner of public safety to develop and operate the system for access to motor vehicle and driver's license records under Minnesota Statutes, chapter 170A, to be available until expended.

Sec. 14. **APPROPRIATION; SYSTEM FOR ACCESS TO RECORDS.**

\$354,000 is appropriated from the general fund to the commissioner of public safety to develop and operate the system for access to motor vehicle and driver's license records under Minnesota Statutes, chapter 170A, to be available until June 30, 2008.

Sec. 15. **APPROPRIATION CANCELLATION.**

The appropriation in 2006 S.F. No. 3781, article 16, section 5, subdivision 4, item (j), for the Financial Crimes Task Force, if enacted, is canceled."

Page 16, after line 3, insert:

"ARTICLE 3

SALES OR SERVICE CALL CENTER

Section 1. [325F.696] CUSTOMER SALES OR SERVICE CALL CENTER REQUIREMENTS.

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

given them:

(1) "customer sales and service call center" means an entity whose primary purpose includes the initiating or receiving of telephonic communications on behalf of any person for the purpose of initiating sales, including telephone solicitations as defined in section 325E.311, subdivision 6;

(2) "customer service call center" means an entity whose primary purpose includes the initiating or receiving of telephonic communications on behalf of any person for the purposes of providing or receiving services or information necessary in connection with the providing of services or other benefits; and

(3) "customer services employee" means a person employed by or working on behalf of a customer sales call center or a customer service call center.

Subd. 2. Customer's right to customer sales or customer service call center information.

(a) Any person who receives a telephone call from, or places a telephone call to, a customer sales call center or a customer service call center, upon request, has the right to:

(1) know the identification of the city, state, and country where the customer service employee is located; and

(2) know the name of the employer of the caller with whom the person is speaking.

(b) A person who receives a telephone call from, or places a telephone call to, a customer sales call center or a customer service call center located in a foreign country, which requests the person's financial, credit, or identifying information, shall have the right to request the call be rerouted to a customer sales and service center located in the United States before the information is given.

Subd. 3. Violation. It is fraud under section 325F.69 for a person to willfully violate this section.

Sec. 2. EFFECTIVE DATE; APPLICATION.

This article is effective August 1, 2006."

Renumber the sections in sequence

Amend the title accordingly

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 2854 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.
2854	2521				

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 Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 3477 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.
3477	3159				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3477 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3477, the first engrossment; and insert the language after the enacting clause of S.F. No. 3159, the first engrossment; further, delete the title of H.F. No. 3477, the first engrossment; and insert the title of S.F. No. 3159, the first engrossment.

And when so amended H.F. No. 3477 will be identical to S.F. No. 3159, and further recommends that H.F. No. 3477 be given its second reading and substituted for S.F. No. 3159, 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 Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 2500 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.
2500	2293				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2500 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2500, the second engrossment; and insert the language after the enacting clause of S.F. No. 2293, the first engrossment; further, delete the title of H.F. No. 2500, the second engrossment; and insert the title of S.F. No. 2293, the first engrossment.

And when so amended H.F. No. 2500 will be identical to S.F. No. 2293, and further recommends that H.F. No. 2500 be given its second reading and substituted for S.F. No. 2293, 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 Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 3779 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.
3779	3394				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3779 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3779, the second engrossment; and insert the language after the enacting clause of S.F. No. 3394, the first engrossment; further, delete the title of H.F. No. 3779, the second engrossment; and insert the title of S.F. No. 3394, the first engrossment.

And when so amended H.F. No. 3779 will be identical to S.F. No. 3394, and further recommends that H.F. No. 3779 be given its second reading and substituted for S.F. No. 3394, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2974, 3331, 2716, 1973, 2738 and 3132 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2854, 3477, 2500 and 3779 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Wiger introduced –

Senate Resolution No. 202: A Senate resolution honoring the 50th Anniversary of the Cub Scout Pack and the Boy Scout Troop being chartered at Presentation of the Blessed Virgin Mary Church.

Referred to the Committee on Rules and Administration.

SPECIAL ORDERS

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

H.F. No. 3940, S.F. Nos. 3349, 3105, 3219, 2528, 2907 and H.F. No. 3185.

SPECIAL ORDER

H.F. No. 3940: A bill for an act relating to liquor; allowing Minnesota farm wineries to produce certain fortified wines; authorizing certain local on-sale licenses; modifying and establishing licensing provisions; clarifying sale hours; prohibiting alcohol without liquid devices; amending

Minnesota Statutes 2004, sections 340A.101, subdivision 11, by adding a subdivision; 340A.315, subdivisions 1, 2, 3, 4; 340A.404, subdivision 5; 340A.414, subdivision 2; 340A.504, subdivision 6; Minnesota Statutes 2005 Supplement, sections 340A.301, subdivision 6; 340A.404, subdivision 2; 340A.412, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 340A.

Senator Ranum moved to amend H.F. No. 3940, as amended pursuant to Rule 45, adopted by the Senate April 27, 2006, as follows:

(The text of the amended House File is identical to S.F. No. 3081.)

Page 9, after line 3, insert:

"Sec. 14. **[340A.706] ALCOHOL WITHOUT LIQUID DEVICES PROHIBITED.**

Subdivision 1. **Definition.** For purposes of this section, an "alcohol without liquid device" is a device, machine, apparatus, or appliance that mixes an alcoholic beverage with pure or diluted oxygen to produce an alcohol vapor that may be inhaled by an individual. An "alcohol without liquid device" does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended specifically for medical purposes to dispense prescribed or over-the-counter medications.

Subd. 2. **Prohibition.** (a) Except as provided in subdivision 3, it is unlawful for any person or business establishment to possess, purchase, sell, offer to sell, or use an alcohol without liquid device.

(b) Except as provided in subdivision 3, it is unlawful for any person or business establishment to utilize a nebulizer, inhaler, or atomizer or other device as described in subdivision 1, for the purposes of inhaling alcoholic beverages.

Subd. 3. **Research exemption.** This section does not apply to a hospital that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university conducting bona fide research, or to a pharmaceutical company or biotechnology company conducting bona fide research."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ranum moved to amend H.F. No. 3940, as amended pursuant to Rule 45, adopted by the Senate April 27, 2006, as follows:

(The text of the amended House File is identical to S.F. No. 3081.)

Page 5, after line 32, insert:

"(k) The city of Minneapolis may issue an on-sale intoxicating liquor license to a restaurant located at 5411 Penn Avenue South, notwithstanding any law or local ordinance or charter provision."

The motion prevailed. So the amendment was adopted.

H.F. No. 3940 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 62 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson
Bachmann

Bakk
Belanger

Berglin
Betzold

Bonoff
Chaudhary

Clark
Cohen

Day	Kierlin	Metzen	Rosen
Dibble	Kiscaden	Michel	Ruud
Fischbach	Koch	Moua	Sams
Foley	Koering	Murphy	Saxhaug
Frederickson	Kubly	Neuville	Scheid
Gerlach	Langseth	Nienow	Skoe
Hann	Larson	Ortman	Skoglund
Higgins	LeClair	Pappas	Solon
Hottinger	Limmer	Pariseau	Sparks
Johnson, D.E.	Lourey	Pogemiller	Tomassoni
Johnson, D.J.	Marko	Ranum	Vickerman
Jungbauer	Marty	Reiter	Wergin
Kelley	McGinn	Robling	Wiger

Those who voted in the negative were:

Rest

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

SPECIAL ORDER

S.F. No. 3349: A bill for an act relating to domestic abuse; providing for enforcement of foreign protective orders; amending Minnesota Statutes 2004, section 518B.01, by adding a subdivision.

Senator Ranum moved to amend S.F. No. 3349 as follows:

Page 1, line 10, delete "and" and insert "an"

The motion prevailed. So the amendment was adopted.

S.F. No. 3349 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Foley	Koering	Murphy	Ruud
Bachmann	Frederickson	Kubly	Neuville	Sams
Bakk	Gerlach	Langseth	Nienow	Saxhaug
Belanger	Hann	Larson	Olson	Scheid
Berglin	Higgins	LeClair	Ortman	Skoe
Betzold	Hottinger	Limmer	Pappas	Skoglund
Bonoff	Johnson, D.E.	Lourey	Pariseau	Solon
Chaudhary	Johnson, D.J.	Marko	Pogemiller	Sparks
Clark	Jungbauer	Marty	Ranum	Tomassoni
Cohen	Kelley	McGinn	Reiter	Vickerman
Day	Kierlin	Metzen	Rest	Wergin
Dibble	Kiscaden	Michel	Robling	Wiger
Fischbach	Koch	Moua	Rosen	

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

SPECIAL ORDER

S.F. No. 3105: A bill for an act relating to county recorders; modifying standards for documents; modifying registration fees and provisions; amending Minnesota Statutes 2004, sections 508.75; 508A.11, subdivision 3; Minnesota Statutes 2005 Supplement, sections 507.093; 508.82, subdivision 1; 508A.82, subdivision 1; repealing Minnesota Statutes 2004, section 508.74.

Senator Murphy moved to amend S.F. No. 3105 as follows:

Page 2, line 32, after "508.82" insert ", subdivision 1, clause (1)," and after "508A.82" insert ", subdivision 1"

Page 4, line 29, strike "each" and insert "the first"

Page 5, line 27, after "508A.82" insert ", subdivision 1"

The motion prevailed. So the amendment was adopted.

S.F. No. 3105 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kubly	Neuville	Sams
Bachmann	Gerlach	Langseth	Nienow	Saxhaug
Bakk	Hann	Larson	Olson	Scheid
Belanger	Higgins	LeClair	Ortman	Skoe
Berglin	Hottinger	Limmer	Pappas	Skoglund
Betzold	Johnson, D.E.	Lourey	Pariseau	Solon
Bonoff	Johnson, D.J.	Marko	Pogemiller	Sparks
Chaudhary	Jungbauer	Marty	Ranum	Tomassoni
Clark	Kelley	McGinn	Reiter	Vickerman
Cohen	Kierlin	Metzen	Rest	Wergin
Dibble	Kiscaden	Michel	Robling	Wiger
Fischbach	Koch	Moua	Rosen	
Foley	Koering	Murphy	Ruud	

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

SPECIAL ORDER

S.F. No. 3219: A bill for an act relating to state lands; authorizing sale or transfer of surplus land at the Brainerd Regional Treatment Center.

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 58 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Koering	Moua	Rosen
Bachmann	Frederickson	Kubly	Murphy	Ruud
Bakk	Hann	Langseth	Neuville	Sams
Belanger	Higgins	Larson	Nienow	Saxhaug
Berglin	Hottinger	LeClair	Olson	Skoglund
Betzold	Johnson, D.E.	Limmer	Ortman	Solon
Bonoff	Johnson, D.J.	Lourey	Pappas	Sparks
Chaudhary	Jungbauer	Marko	Pariseau	Tomassoni
Clark	Kelley	Marty	Pogemiller	Vickerman
Cohen	Kierlin	McGinn	Ranum	Wiger
Dibble	Kiscaden	Metzen	Rest	
Fischbach	Koch	Michel	Robling	

Those who voted in the negative were:

Wergin

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2528: A bill for an act relating to governmental operations; creating a task force to study the use of credit and debit cards for payment of taxes, licenses, permits, and other statutory fees.

Senator Marko moved to amend S.F. No. 2528 as follows:

Page 1, line 7, delete "in-person"

Page 1, line 15, delete "and"

Page 1, line 16, delete "State"

Page 1, line 17, delete the period and insert "; and"

Page 1, after line 17, insert:

"(8) a representative of the Consumer Division of the Office of the Attorney General."

Page 1, lines 21 and 24, delete "in-person"

The motion prevailed. So the amendment was adopted.

S.F. No. 2528 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kubly	Neuville	Sams
Bachmann	Gerlach	Langseth	Nienow	Saxhaug
Bakk	Hann	Larson	Olson	Scheid
Belanger	Higgins	LeClair	Ortman	Skoe
Berglin	Hottinger	Limmer	Pappas	Skoglund
Betzold	Johnson, D.E.	Lourey	Pariseau	Solon
Bonoff	Johnson, D.J.	Marko	Pogemiller	Sparks
Chaudhary	Jungbauer	Marty	Ranum	Tomassoni
Clark	Kelley	McGinn	Reiter	Vickerman
Cohen	Kierlin	Metzen	Rest	Wergin
Dibble	Kiscaden	Michel	Robling	Wiger
Fischbach	Koch	Moua	Rosen	
Foley	Koering	Murphy	Ruud	

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

SPECIAL ORDER

S.F. No. 2907: A bill for an act relating to economic development; requiring annual reports to the legislature on certain business accounts; amending Minnesota Statutes 2004, section 116J.431, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 116J.575, by adding a subdivision.

Senator Hottinger moved that S.F. No. 2907 be laid on the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 3185: A bill for an act relating to high pressure piping; classifying data relating to

bioprocess piping and equipment as nonpublic; including bioprocess piping in the definition of high pressure piping; amending Minnesota Statutes 2004, sections 16B.61, subdivisions 2, 3; 326.461, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 13.

Senator Scheid moved to amend H.F. No. 3185, as amended pursuant to Rule 45, adopted by the Senate April 12, 2006, as follows:

(The text of the amended House File is identical to S.F. No. 2857.)

Page 1, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2004, section 16B.61, subdivision 2, is amended to read:

Subd. 2. **Enforcement by certain bodies.** Under the direction and supervision of the commissioner, the provisions of the code relating to electrical installations ~~shall be enforced by the State Board of Electricity, pursuant to the Minnesota Electrical Act, the provisions relating to, plumbing shall be enforced by the commissioner of health, the provisions relating to, boilers, and high pressure steam piping and appurtenances shall be enforced by the Department of Labor and Industry.~~ Fees for inspections conducted by the ~~State Board of Electricity~~ commissioner shall be paid in accordance with the rules of the ~~State Board of Electricity~~ department. Under direction of the commissioner of public safety, the state fire marshal shall enforce the Minnesota Uniform State Fire Code as provided in chapter 299F. The commissioner, ~~in consultation with the commissioner of labor and industry,~~ shall adopt amendments to the mechanical code portion of the State Building Code to implement standards for process piping."

The motion prevailed. So the amendment was adopted.

H.F. No. 3185 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Nienow	Saxhaug
Bachmann	Gerlach	Larson	Olson	Scheid
Bakk	Hann	LeClair	Ortman	Skoe
Belanger	Higgins	Limmer	Pappas	Skoglund
Berglin	Johnson, D.E.	Lourey	Pariseau	Solon
Betzold	Johnson, D.J.	Marko	Pogemiller	Sparks
Bonoff	Jungbauer	Marty	Ranum	Tomassoni
Chaudhary	Kelley	McGinn	Reiter	Vickerman
Clark	Kierlin	Metzen	Rest	Wergin
Cohen	Kiscaden	Michel	Robling	Wiger
Dibble	Koch	Moua	Rosen	
Fischbach	Koering	Murphy	Ruud	
Foley	Kubly	Neuville	Sams	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Hottinger moved that S.F. No. 2907 be taken from the table. The motion prevailed.

S.F. No. 2907: A bill for an act relating to economic development; requiring annual reports to the legislature on certain business accounts; amending Minnesota Statutes 2004, section 116J.431, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 116J.575, by adding a subdivision.

Senator Hottinger moved to amend S.F. No. 2907 as follows:

Page 1, delete lines 11 to 15 and insert "The report must include information on the amount of money in the account, the amount distributed, to whom the grants were distributed and for what purposes, and an evaluation of the effectiveness of the projects funded in meeting the policies and goals of the program, including jobs created and wages and benefits paid."

The motion prevailed. So the amendment was adopted.

S.F. No. 2907 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kubly	Neuville	Sams
Bachmann	Gerlach	Langseth	Nienow	Saxhaug
Bakk	Hann	Larson	Olson	Scheid
Belanger	Higgins	LeClair	Ortman	Skoe
Berglin	Hottinger	Limmer	Pappas	Skoglund
Betzold	Johnson, D.E.	Lourey	Pariseau	Solon
Bonoff	Johnson, D.J.	Marko	Pogemiller	Sparks
Chaudhary	Jungbauer	Marty	Ranum	Tomassoni
Clark	Kelley	McGinn	Reiter	Vickerman
Cohen	Kierlin	Metzen	Rest	Wergin
Dibble	Kiscaden	Michel	Robling	Wiger
Fischbach	Koch	Moua	Rosen	
Foley	Koering	Murphy	Ruud	

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

RECESS

Senator Johnson, D.E. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

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 Reports of Committees.

REPORTS OF COMMITTEES

Senator Johnson, D.E. from the Committee on Rules and Administration, pursuant to Senate Rule 5.2, upon the request of Senator Kelley, the chief author of

H.F. No. 2480: A bill for an act relating to a ballpark for major league baseball; providing for the financing, construction, operation, and maintenance of the ballpark and related facilities; establishing the Minnesota Ballpark Authority; providing powers and duties of the authority; providing a community ownership option; authorizing Hennepin County to issue bonds and to

contribute to ballpark costs and to engage in ballpark and related activities; authorizing local sales and use taxes and revenues; exempting Minnesota State High School League events from sales taxes; requiring the Minnesota State High School League to transfer tax savings to a foundation to promote extracurricular activities; exempting building materials used for certain local government projects from certain taxes; amending Minnesota Statutes 2004, sections 297A.70, subdivision 11; 297A.71, by adding subdivisions; Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35; repealing Minnesota Statutes 2004, sections 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; 473I.13.

Recommends that H.F. No. 2480 be withdrawn from the Committee on Taxes and be re-referred to the Committee on Rules and Administration.

Senator Johnson, D.E. moved that the Committee Report at the Desk be now adopted.

CALL OF THE SENATE

Senator Limmer imposed a call of the Senate for the balance of the proceedings on H.F. No. 2480. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Johnson, D.E. motion.

The roll was called, and there were yeas 33 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kubly	Rest	Sparks
Bakk	Frederickson	Langseth	Sams	Stumpf
Betzold	Higgins	Metzen	Saxhaug	Tomassoni
Bonoff	Hottinger	Moua	Scheid	Vickerman
Clark	Johnson, D.E.	Murphy	Skoe	Wiger
Cohen	Kelley	Pappas	Skoglund	
Dibble	Kiscaden	Pogemiller	Solon	

Those who voted in the negative were:

Bachmann	Fischbach	Koering	McGinn	Robling
Belanger	Gerlach	Larson	Michel	Rosen
Berglin	Johnson, D.J.	LeClair	Nienow	Ruud
Chaudhary	Jungbauer	Limmer	Olson	Senjem
Day	Kierlin	Lourey	Ortman	Wergin
Dille	Koch	Marty	Reiter	

The motion prevailed. So the Committee Report was adopted.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate

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

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S.F. No. 3398: A bill for an act relating to the environment; requiring mercury emissions reductions by public utilities; amending Minnesota Statutes 2004, section 216B.1692, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for March 29, 2006, be adopted; that committee recommendation being:

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

Senator Senator Johnson, D.E. from the Committee on Rules and Administration, to which was re-referred

H.F. No. 2480: A bill for an act relating to a ballpark for major league baseball; providing for the financing, construction, operation, and maintenance of the ballpark and related facilities; establishing the Minnesota Ballpark Authority; providing powers and duties of the authority; providing a community ownership option; authorizing Hennepin County to issue bonds and to contribute to ballpark costs and to engage in ballpark and related activities; authorizing local sales and use taxes and revenues; exempting Minnesota State High School League events from sales taxes; requiring the Minnesota State High School League to transfer tax savings to a foundation to promote extracurricular activities; exempting building materials used for certain local government projects from certain taxes; amending Minnesota Statutes 2004, sections 297A.70, subdivision 11; 297A.71, by adding subdivisions; Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35; repealing Minnesota Statutes 2004, sections 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; 473I.13.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

BALLPARK

Section 1. Minnesota Statutes 2004, section 297A.71, is amended by adding a subdivision to read:

Subd. 37. **Building materials exemption.** Materials, supplies, and equipment used or consumed in, and incorporated into the construction or improvement of the ballpark and public infrastructure constructed pursuant to sections 473.75 to 473.757, are exempt. This subdivision expires one year after the date that the first major league baseball game is played in the ballpark for materials, supplies, and equipment used in the ballpark, and five years after the issuance of the first bonds under section 473.755 for materials, supplies, and equipment used in the public infrastructure.

Sec. 2. **[473.75] PURPOSE.**

The purpose of this article is to provide for the construction, financing, and long-term use of a ballpark primarily as a venue for major league baseball. It is found and declared that the expenditure of public money for this purpose is necessary and serves a public purpose. It is further found and declared that any provision in a lease or use agreement with a major league team, that requires the team to play its home games in a publicly funded ballpark for the duration of the lease or use agreement, serves a unique public purpose for which the remedies of specific performance and injunctive relief are essential to its enforcement. It is further found and declared that government assistance to facilitate the presence of major league baseball provides to the state of Minnesota and its citizens highly valued intangible benefits that are virtually impossible to quantify and, therefore, not recoverable even if the government receives monetary damages in the event of a team's breach of contract. Minnesota courts are, therefore, charged with protecting those benefits through the use of specific performance and injunctive relief as provided herein and in the lease and use agreements.

Sec. 3. **[473.751] DEFINITIONS.**

Subdivision 1. **Terms.** As used in this article, the terms defined in this section have the meanings given them in this section, except as otherwise expressly provided or indicated by the context.

Subd. 2. **Ballpark.** "Ballpark" means the stadium suitable for major league baseball to be constructed and financed under this article.

Subd. 3. **Ballpark costs.** "Ballpark costs" means the cost of designing, constructing, and equipping a ballpark suitable for major league baseball. "Ballpark cost" excludes the cost of land acquisition, site improvements, utilities, site demolition, environmental remediation, railroad crash wall, site furnishings, landscaping, railroad right-of-way development, district energy, site graphics and artwork and other site improvements identified by the commission, public infrastructure, capital improvement reserves, bond reserves, capitalized interest, and financing costs.

Subd. 4. **Development area.** "Development area" means the area in the city of Minneapolis bounded by marked Interstate Highway 394, vacated Holden Street, the Burlington Northern right-of-way, Seventh Street North, Sixth Avenue North, and Fifth Street North.

Subd. 5. **Public infrastructure.** "Public infrastructure" means all property, facilities, and improvements determined by the commission to facilitate the development and use of the ballpark, including but not limited to property and improvements for drainage, environmental remediation, parking, roadways, walkways, skyways, pedestrian bridges, bicycle paths, and transit improvements to facilitate public access to the ballpark, lighting, landscaping, utilities, streets, and land acquired and prepared for private redevelopment in a manner related to the use of the ballpark.

Subd. 6. **Team.** "Team" means the owner and operator of the baseball team currently known as the Minnesota Twins.

Sec. 4. **[473.752] LOCATION.**

The ballpark must be located in the city of Minneapolis at a site within the development area.

Sec. 5. **[473.753] CONSTRUCTION OF BALLPARK.**

Subdivision 1. **Contracts.** The commission may enter into a development agreement with the team or any other entity relating to the construction, financing, and use of the ballpark and related facilities and public infrastructure. The commission may contract for materials, supplies, and equipment in accordance with section 471.345, except that the commission may employ or contract with persons, firms, or corporations to perform one or more or all of the functions of architect, engineer, or construction manager with respect to all or any part of the ballpark and public infrastructure. Alternatively, at the request of the team, the commission shall authorize the team to provide for the design and construction of the ballpark, subject to terms of this article. The commission may also enter into agreements with Hennepin County or the city of Minneapolis relating to the design and construction of the public infrastructure with revenues available to

the commission. The construction manager may enter into contracts with contractors for labor, materials, supplies, and equipment for the construction of the ballpark through the process of public bidding, except that the construction manager may, with the consent of the commission or the team:

(1) narrow the listing of eligible bidders to those that the construction manager determines to possess sufficient expertise to perform the intended functions;

(2) award contracts to the contractors that the construction manager determines provide the best value, which are not required to be the lowest responsible bidder; and

(3) for work the construction manager determines to be critical to the completion schedule, award contracts on the basis of competitive proposals or perform work with its own forces without soliciting competitive bids if the construction manager provides evidence of competitive pricing.

The commission may require that the construction manager certify, before the contract is signed, a certified, fixed, and stipulated construction price and completion date to the commission and post a bond in an amount at least equal to 100 percent of the certified price, to cover any costs that may be incurred in excess of the certified price, including, but not limited to, costs incurred by the commission or loss of revenues resulting from incomplete construction on the completion date. The commission may secure surety bonds as provided in section 574.26, securing payment of just claims in connection with all public work undertaken by it. Persons entitled to the protection of the bonds may enforce them as provided in sections 574.28 to 574.32, and are not be entitled to a lien on any property of the commission under sections 514.01 to 514.16. Contracts for construction and operation of the ballpark must include programs to provide for participation by small local businesses and businesses owned by women and people of color, and the inclusion of women and people of color in the workforces of contractors and ballpark operators. The contracts must comply with all employment requirements applicable to city and state contracts for construction, including requirements relating to the payment of prevailing wages under sections 177.41 to 177.44.

Subd. 2. Zoning and planning. It is found and declared that the construction of a ballpark within the development area is consistent with the adopted area plan, is the preferred ballpark location, and is a permitted land use. Local units of government may not impose restrictions or conditions on ballpark and public infrastructure land use approvals except those that are based on reasonable land use grounds and criteria that are within their jurisdiction to apply. This subdivision applies to establish a procedure for all land use reviews and approvals by local governments for the ballpark and related public infrastructure and supersedes all land use rules and restrictions and procedures imposed by other law, charter, or ordinance. Section 15.99, subdivision 3, paragraphs (f) and (g), does not apply. Within 60 days of the effective date of this article, the city of Minneapolis and Hennepin County shall establish a ballpark implementation committee with equal representation from the city of Minneapolis and Hennepin County to make recommendations on street vacation, parking, roadways, walkways, skyways, pedestrian bridges, bicycle paths, transit improvements to facilitate public street access to the ballpark, and integration into the transportation plan for downtown and the region, lighting, landscaping, utilities, streets, drainage, environmental remediation, and land acquired and prepared for private redevelopment in a manner related to the use of the ballpark. The recommendations of the committee must be forwarded to the city of Minneapolis Planning Commission for an advisory recommendation and then to the city council for action in a single resolution.

Subd. 3. Local government action; environmental review. Local governmental units shall take action promptly and within project design and construction timetables on applications for building permits and certificates of occupancy. The commission shall be the responsible governmental unit for any environmental impact statement prepared under section 116D.04. The commission may make decisions and take actions to acquire land and obtain financing before completion of environmental review.

Sec. 6. [473.754] CRITERIA AND CONDITIONS.

Subdivision 1. Binding and enforceable. In developing the ballpark and entering into related

contracts, the commission must follow and enforce the criteria and conditions in this section, provided that a determination by the commission that those criteria or conditions have been met under any agreement or otherwise is conclusive.

Subd. 2. **Team contributions.** The team must agree to contribute at least \$130,000,000 toward ballpark costs, plus 25 percent of the cost of adding a retractable roof to the ballpark. The team contribution must be reduced by a proportionate share of any amount by which actual ballpark costs may be less than a budgeted amount of \$390,000,000, plus the costs of a retractable roof. The team contributions must be funded in cash during the construction period. In addition to any other team contribution, the team must agree to assume and pay when due all cost overruns for the ballpark costs that exceed the budget, excluding land, site improvements, and public infrastructure.

Subd. 3. **Reserve for capital improvements.** The commission shall require that a reserve fund for capital improvements to the stadium be established and funded with annual team payments of \$1,000,000 and annual payments from other sources of \$1,000,000. The annual payments must increase according to an inflation index determined by the commission. The commission may accept contributions from any other source for the portion of the funding not required to be provided by the team.

Subd. 4. **Lease or use agreements.** The commission and team must agree to a long-term lease or use agreement with the team for its use of the ballpark. The team must agree to play all regularly scheduled and postseason home games at the ballpark. Preseason games may also be scheduled and played at the ballpark. The lease or use agreement must be for a term of at least 30 years from the date of ballpark completion. The lease or use agreement must include terms for default, termination, and breach of the agreement. Recognizing that the presence of major league baseball provides to the state of Minnesota and its citizens highly valued, intangible benefits that are virtually impossible to quantify and, therefore, not recoverable in the event of a team owner's breach of contract, the lease and use agreements must provide for specific performance and injunctive relief to enforce provisions relating to use of the ballpark for major league baseball and must not include escape clauses or buyout provisions.

Subd. 5. **Notice requirement for certain events.** Until 30 years from the date of ballpark completion, the team must provide written notice to the commission not less than 90 days before any action, including any action imposed upon the team by Major League Baseball, which would result in a breach or default of provisions of the lease or use agreements required to be included under subdivision 4. If this notice provision is violated and the team has already breached or been in default under the required provisions, the commission or the state may specifically enforce the lease or use agreement, and Minnesota courts shall fashion equitable remedies so that the team may fulfill the conditions of the lease and use agreements, including, but not limited to, remedies against Major League Baseball.

Subd. 6. **Enforceable financial commitments.** The commission must determine before ballpark construction begins that all public and private funding sources for construction and operation of the ballpark are included in written agreements. The committed funds must be adequate to design, construct, furnish, and equip the ballpark.

Subd. 7. **Community ownership option.** (a) The lease or use agreement for the baseball facility must provide that if the owner of the baseball franchise seeks to sell the franchise during the term of the agreement, the franchise must first be offered for sale to the entity formed in compliance with paragraph (b) on the same terms offered to any other entity. The offer to sell the franchise to this entity must remain open for at least one year. The amounts that would otherwise be returned to the public under subdivision 10 may be used by an entity created under paragraph (b) to offset the cost of acquiring the baseball franchise.

(b) The governor and the commission must attempt to facilitate the formation of a corporation to acquire the baseball franchise and to identify an individual private managing owner of the corporation. The corporation formed to acquire the franchise must have a capital structure that complies with all of the following provisions:

(1) there may be two classes of capital stock: common stock and preferred stock. Both classes of stock must give holders voting rights with respect to any relocation or contraction of the franchise;

(2) the private managing owner must own no less than 25 percent and no more than 35 percent of the common stock. For purposes of this restriction, shares of common stock owned by the private managing owner include shares of commons stock owned by any related taxpayer as defined in section 1313(c) of the Internal Revenue Code of 1986, as amended. Other than the rights of all other holders of common stock and preferred stock with respect to relocation of the franchise or voluntary contraction, the private managing owner must control all aspects of the operation of the corporation;

(3) other than the private managing owner, no individual or entity may own more than five percent of the common stock of the corporation;

(4) at least 50 percent of the ownership of the common stock must be sold to members of the general public in a general solicitation and no person or entity may own more than one percent of common stock of the corporation; and

(5) the articles of incorporation, bylaws, and other governing documents must provide that the franchise may not move outside of the state or agree to voluntary contraction without approval of at least 75 percent of the shares of common stock and at least 75 percent of the shares of preferred stock. Notwithstanding any law to the contrary, these 75 percent approval requirements may not be amended by the shareholders or by any other means.

(c) Except as specifically provided by this article, no state agency may spend money from any state fund for the purpose of generating revenue under this subdivision or for the purpose of providing operating support or defraying operating losses of a professional baseball franchise.

Subd. 8. **Environmental requirements.** The commission must comply with all environmental requirements imposed for the ballpark, site, and structure by regulatory agencies.

Subd. 9. **Ballpark design.** (a) The ballpark must have a retractable roof.

(b) The commission must ensure that the ballpark receives Leadership in Energy and Environmental Design (LEED) certification for environmental design, and to the extent practicable, that the ballpark design is architecturally significant.

(c) The ballpark design must, to the extent feasible, follow sustainable building guidelines established under section 16B.325.

(d) The commission must ensure that the ballpark be, to the greatest extent practicable, constructed of American-made steel.

Subd. 10. **Public share upon sale of team.** The lease or use agreement must provide that, if the team is sold after the effective date of this article, a portion of the sale price must be paid to the authority and deposited in a reserve fund for improvements to the ballpark or expended as the authority may otherwise direct. The portion required to be so paid to the authority is 18 percent of the gross sale price, declining to zero ten years after commencement of ballpark construction in increments of 1.8 percent each year. The agreement shall provide exceptions for sales to members of the owner's family and entities and trusts beneficially owned by family members, sales to employees of equity interests aggregating up to ten percent, and sales related to capital infusions not distributed to the owners.

Subd. 11. **Access to books and records.** The commission must seek a provision in the lease or use agreement that provides the commission access to annual audited financial statements of the team and other financial books and records that the commission deems necessary to determine compliance by the team with this article and to enforce the terms of any lease or use agreements entered into under this article. Any financial information obtained by the commission under this subdivision is nonpublic data under section 13.02, subdivision 9.

Subd. 12. **Affordable access.** To the extent determined by the commission or required by a

grant agreement, any lease or use agreement must provide for affordable access to the professional sporting events held in the ballpark.

Subd. 13. **No strikes or lockouts.** The commission must use its best efforts to negotiate a public sector project labor agreement or other agreement to prevent strikes and lockouts that would halt, delay, or impede construction of the ballpark and related facilities.

Subd. 14. **Youth and amateur sports.** The lease or use agreement must require that the team provide or cause to be provided \$250,000 annually for the term of the agreement for youth activities and amateur sports without reducing the amounts otherwise normally provided for and on behalf of the team for those purposes. The amount must increase according to an inflation factor not to exceed 2.5 percent annually and may be subject to a condition that the county fund grants for similar purposes as authorized by this article.

Subd. 15. **Name retention.** The lease or use agreement must provide that the team and league will transfer to the state of Minnesota the Minnesota Twins' heritage and records, including the name, logo, colors, history, playing records, trophies and memorabilia in the event of any dissolution or relocation of the Twins franchise.

Sec. 7. [473.755] FINANCING OF FACILITY.

Subdivision 1. **Public expenditures.** The amount that the commission may grant or expend for ballpark costs must not exceed \$475,000,000. The amount of any grant for capital improvement reserves must not exceed \$1,000,000 annually, subject to annual increases according to an inflation index acceptable to the commission. This section does not limit the amount of grants or expenditures for land, site improvements, and public infrastructure. A grant agreement is valid and enforceable notwithstanding that it involves payments in future years and they do not constitute a debt of the commission within the meaning of any constitutional or statutory limitation or for which a referendum is required. The commission may acquire land, air rights, and other property interests within the development area for the ballpark site and public infrastructure for development as a ballpark, and acquire and construct any related public infrastructure. The commission may review and approve ballpark designs, plans, and specifications to the extent provided in a grant agreement and in order to ensure that the public purposes of the grant are carried out. Public infrastructure designs must optimize area transit and bicycle opportunities, including connections to planned or existing trails and transportation corridors, including Central, Hiawatha, I-394, Northstar, Northwest, Red Rock, Rush Line, and Southwest. The commission may enforce the provisions of any grant agreement by specific performance. The commission may reimburse a local governmental entity within which the ballpark is located or make a grant to such a governmental unit for site acquisition, preparation of the site for ballpark development, and public infrastructure. Amounts expended by a local governmental unit with the proceeds of a grant or in expectation of reimbursement by the commission are not an expenditure or other use of local governmental resources by the governmental unit within the meaning of any law or charter limitation.

Subd. 2. **Revenue bonds.** When the criteria and conditions set forth in section 473.754 have been met, the commission may, by resolution, authorize, sell, and issue revenue bonds to provide money to finance all or a portion of the costs of site acquisition, site improvements and other activities necessary to prepare a site for development of a ballpark, to construct, improve, and maintain the ballpark and to establish and fund capital improvement reserves, and to acquire and construct any related parking facilities and other public infrastructure. The commission may also, by resolution, issue bonds to refund the bonds issued under this section. The term of the bonds must be no longer than is necessary to provide interim financing in anticipation of receipt of sufficient funds under section 473.131 to meet these costs. The bonds must be limited obligations, solely payable from or secured by revenues to become available under this article and article 3. The bonds may be issued in one or more series and sold without an election. The bonds must be sold in the manner provided by section 475.60. The bonds shall be secured, bear the interest rate or rates or a variable rate, have the rank or priority, be executed in the manner, be payable in the manner, mature, and be subject to the defaults, redemptions, repurchases, tender options, or other terms the commission may determine. The commission may enter into and perform all contracts deemed necessary or desirable by it to

issue and secure the bonds, including an indenture of trust with a trustee within or without the state. The debt represented by the bonds is not included in computing any debt limitation applicable to the commission. Subject to this subdivision, the bonds must be issued and sold in the manner provided in chapter 475. The bonds must recite that they are issued under this section and the recital is conclusive as to the validity of the bonds and the imposition and pledge of the taxes levied for their payment.

Sec. 8. **[473.756] CITY REQUIREMENTS.**

Subdivision 1. **Third Avenue.** At the request of the commission, the city of Minneapolis shall vacate the portion of Third Avenue North from Seventh Street North to the intersection of Third Avenue North and the on-ramp to marked Interstate Highway 394 without impeding on-ramp access.

Subd. 2. **Land conveyance.** At the request of the commission, the city of Minneapolis shall convey to the commission at fair market value all real property it owns that is located in the development area and is not currently used for road, sidewalk, or utility purposes and that the commission determines to be necessary for ballpark or public infrastructure purposes.

Subd. 3. **Liquor licenses.** The city of Minneapolis shall issue intoxicating liquor licenses that are reasonably requested for the premises of the ballpark. These licenses are in addition to the number authorized by law. All provisions of chapter 340A not inconsistent with this section apply to the licenses authorized under this subdivision.

Subd. 4. **Charter limitations.** Actions taken by the city of Minneapolis under this section are not an expenditure or other use of city resources within the meaning of any charter limitation.

Sec. 9. **[473.757] LOCAL TAXES.**

No local unit of government shall impose a new or additional tax on sales or uses of any item that is not in effect for the ballpark site on the effective date of this article, except taxes generally applicable throughout the jurisdiction.

Sec. 10. **REPEALER.**

Minnesota Statutes 2004, sections 272.02, subdivision 50; 297A.71, subdivision 31; 473.5995, subdivision 2; 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; and 473I.13, are repealed.

Sec. 11. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

ARTICLE 2

FOOTBALL STADIUM

Section 1. Minnesota Statutes 2004, section 297A.71, is amended by adding a subdivision to read:

Subd. 38. **Stadium construction materials and equipment exempt.** Materials and supplies used or consumed in, and equipment incorporated into the construction of a National Football League stadium constructed under sections 473.76 to 473.768 are exempt. The exemption under this subdivision terminates one year after the first National Football League game is played in the stadium.

Sec. 2. **[473.76] PURPOSE.**

The legislature finds that construction of a new stadium that meets National Football League programmatic requirements, with a retractable roof, in the city of Blaine, county of Anoka, serves a public purpose. The legislature finds that the public purpose served includes retaining the Minnesota Vikings as a part of Minnesota's public amenities for its citizens and as a major attraction to visitors to the state, adding to the economic development of the state, attracting revenue from out of the state,

and preserving the contributions of football to the culture of Minnesota and to the enjoyment of its citizens. Further, the legislature finds that a National Football League stadium may be financed as a public-private partnership between the state, the Minnesota Vikings, and other supporting interests that may contribute to the construction of a football stadium and related facilities. The legislature further finds that a new stadium should be coordinated with transportation and transit plans and activities.

Sec. 3. [473.761] DEFINITIONS.

Subdivision 1. **Terms.** For the purposes of sections 473.76 to 473.768, the terms defined in this section have the meanings given them in this section, except as otherwise expressly provided or indicated by the context.

Subd. 2. **Sports facilities.** "Sports facilities" means the stadium, with a retractable or fixed roof, adjoining structures related to the operation of the stadium, practice facilities, including preseason training camp facilities, and other supporting infrastructure, including parking.

Subd. 3. **Stadium district.** "Stadium district" means a district designated by the commission that contains the National Football League stadium and consists of no more than 740 contiguous acres surrounding the sports facilities.

Sec. 4. [473.762] LOCATION.

The new National Football League stadium must be located in the city of Blaine, Anoka County, Minnesota.

Sec. 5. [473.763] CONSTRUCTION OF FOOTBALL STADIUM.

Subdivision 1. **Construction manager.** The commission and the Minnesota Vikings shall jointly select a construction manager. With respect to the construction of the stadium, the construction manager must:

(1) guarantee a maximum cost of construction; and

(2) provide payment and performance bonds or other security reasonably acceptable to the commission in an amount equal to the guaranteed maximum cost of construction, and must comply with all employment requirements applicable to city and state contracts for construction, including requirements relating to the payment of prevailing wages under sections 177.41 to 177.44. Contracts for construction and operation of the ballpark must include programs to provide for participation by small local businesses and businesses owned by women and people of color, and the inclusion of women and people of color in the workforces of contractors and ballpark operators.

Subd. 2. **Contracts.** The lessee under the stadium lease or the construction manager may enter into contracts with contractors for labor, materials, supplies, and equipment to equip and construct the new stadium through the process of public bidding.

Subd. 3. **Bids.** The lessee or the construction manager may:

(1) limit the list of eligible bidders to those that the construction manager determines possess sufficient expertise to perform the intended functions;

(2) award contracts to the contractors that the construction manager determines provide the best value, which need not be the lowest responsible bidder; and

(3) for work the construction manager determines to be critical to the completion schedule, the construction manager may award contracts on the basis of competitive proposals or perform work with its own forces without soliciting competitive bids if the construction manager provides evidence of competitive pricing.

Subd. 4. **Design.** The commission must ensure that the stadium receives Leadership in Energy and Environmental Design (LEED) certification for environmental design, and to the extent

practicable, that the stadium design is architecturally significant.

Sec. 6. [473.764] CRITERIA AND CONDITIONS.

Subdivision 1. **Requirement.** The commission shall issue its bonds and construction of the stadium may commence when the commission has completed the requirements imposed under this section.

Subd. 2. **Use agreement.** The commission must execute a long-term use agreement with the Minnesota Vikings, meeting the requirements of section 473.767.

Subd. 3. **Development and financing agreement.** The commission must execute a development and financing agreement with the Minnesota Vikings meeting the requirements of section 473.766.

Subd. 4. **Sufficient funds.** The commissioner must determine that the proceeds of bonds authorized and provided for in section 473.765 will be sufficient, together with other capital funds that may be available to the commission for expenditure on the sports facilities, including, except as otherwise provided in this section, the acquisition, clearance, relocation, and legal costs referred to in subdivisions 5 and 6.

Subd. 5. **Acquisition of property.** The commission must acquire title to or an interest in all real property, including all easements, air rights, and other appurtenances needed for the construction and operation of the sports facility or has received a grant of money or has entered into agreements sufficient in the judgment of the commission to assure the receipt of money, at the time and in the amount required, to make any payment upon which the commission's acquisition of title or interest in and possession of the real property is conditioned.

Subd. 6. **Money for site preparation.** The commission must receive a grant of money or enter into agreements sufficient in the judgment of the commission to assure the receipt of money, at the time and in the amount required, to pay all costs, except as provided in this subdivision, of clearing the real property needed for the construction and operation of the sports facilities, railroad tracks, and other structures, including, without limitation, all relocation costs, all utility relocation costs, and all legal costs.

Subd. 7. **Agreement prohibiting strikes.** The commission must use its best efforts to negotiate an agreement to prevent strikes and lockouts that would halt, delay, or impede construction of the sports facilities.

Subd. 8. **Construction agreements.** The commission must execute agreements that will provide for the construction of the sports facilities for a certified or guaranteed construction price and completion date. The agreements must include performance bonds in an amount at least equal to 100 percent of the certified or guaranteed price to cover any costs that may be incurred over and above the certified price, including, but not limited to, costs incurred by the commission or loss of revenues resulting from incomplete construction on the completion date.

Subd. 9. **Environmental requirements.** The commission must ensure that environmental requirements imposed for the sports facilities by regulatory agencies are complied with.

Subd. 10. **Adequacy of revenues.** The commission must determine that the anticipated revenue from the operation of the sports facilities, plus any additional available revenue of the commission, will be an amount sufficient to pay when due all debt service on the bonds issued under section 473.765, subdivision 1, plus all administration, operating, and maintenance expense of the sports facilities.

Subd. 11. **Committed funds.** The commission must determine that all public and private funding sources for construction and operation of the sports facilities are officially committed in writing and enforceable. The committed funds must be adequate to site, design, construct, furnish, equip, and service the sports facilities debt, as well as to pay for the ongoing operation and maintenance of the stadium.

Subd. 12. **Guaranty.** The commission must ensure that a guaranty is in place in a form

satisfactory to the commission. The guaranty may be in the form of a letter of credit, minimum net worth requirements, personal guaranties or other surety covering the payments on terms determined by the commission's negotiations with the Minnesota Vikings.

Subd. 13. **Effect of determinations.** The validity of any bonds issued under section 473.765, subdivision 1, clauses (1) and (2), and the obligation of the commission related to them, must not be conditioned upon or impaired by the commission's determinations made under this section. For purposes of issuing the bonds, the determinations made by the commission shall be deemed conclusive and the commission shall be and remain obligated for the security and payment of the bonds, irrespective of determinations that may be erroneous, inaccurate, or otherwise mistaken.

Sec. 7. [473.765] ISSUANCE OF BONDS.

Subdivision 1. **Bonds.** The commission may by resolution authorize the sale and issuance of its bonds for any or all of the following purposes:

(1) to provide money and pay costs to predesign, design, construct, furnish, equip, and otherwise improve or better the sports facilities owned or to be owned by the commission pursuant to this article, including construction of a retractable roof, and to finance acquisition of right-of-way and construction and reconstruction of Interstate Highway 35W and other trunk highways in Anoka County to improve access to the stadium;

(2) to establish a reserve fund or funds for the bonds and to pay costs of issuance of the bonds;

(3) to refund bonds issued under this section; and

(4) to fund judgments entered by court against the commission in matters relating to the commission's functions related to the sports facilities.

Subd. 2. **Procedure.** The bonds must be sold, issued, and secured on the terms and conditions the commission determines to be in the best interests of the commission, except as otherwise provided in sections 473.76 to 473.768. The bonds may be sold at any price and at public or private sale as determined by the commission. They shall be payable solely from revenues referred to in sections 473.76 to 473.768. The bonds are not a general obligation or debt of the commission or any city, county, or the state, and shall not be included in the net debt of any city, county, or other subdivision of the state for the purpose of any net debt limitation. No election is required.

Subd. 3. **Limitations.** The principal amount of bonds issued by the authority under subdivision 1, clauses (1) and (2), must not exceed \$510,000,000 plus the amounts necessary to fund appropriate reserves, capitalized interest, bond insurance, and to pay issuance costs. The term of the bonds must be no longer than is necessary to provide interim financing in anticipation of receipt of sufficient funds under section 473.131 for the purposes of subdivision 1, clauses (1) and (2).

Subd. 4. **Security.** To the extent and in the manner provided in sections 473.76 to 473.768, the revenues of the commission described in this article, and any other revenues of the commission attributable to the sports facilities, including teams' contributions, must be and remain pledged and appropriated to the commission as appropriate for the payment of all necessary and reasonable expenses of the operation, administration, maintenance of the sports facilities, and debt service on the bonds until all bonds or certificates of indebtedness issued under sections 473.76 to 473.768 are fully paid or discharged in accordance with law. Bonds issued under sections 473.76 to 473.768 may be secured by a bond resolution, or by a trust indenture entered into by the commission with a corporate trustee within or outside the state, which must define the revenue and team contributions, and other sports facilities revenues pledged for the payment and security of the bonds. The pledge is a valid charge on the revenues referred to in this article from the date when bonds are first issued or secured under the resolution or indenture and shall secure the payment of principal and interest and redemption premiums when due and the maintenance at all times of a reserve or reserves securing payments. No mortgage of or security interest in any tangible real or personal property may be granted to the bondholders or the trustee, but they shall have a valid security interest in all tax and other revenues received and accounts receivable by the commission under this article,

as against the claims of all other persons in tort, contract, or otherwise, irrespective of whether the parties have notice of the claims, and without possession or filing as provided in the Uniform Commercial Code or any other law. In the bond resolution or trust indenture, the commission may make covenants, which shall be binding upon the commission, that are determined to be usual and reasonably necessary for the protection of the bondholders. No pledge may be revoked or amended by law or by action of the commission except in accordance with the terms of the bond resolution or indenture under which the bonds are issued, until the obligations of the commission are fully discharged.

Subd. 5. **No full faith and credit.** Any bonds or other obligations issued by the commission under sections 473.76 to 473.768 are not public debt of the state, and the full faith and credit and taxing powers of the state are not pledged for their payment or of any payments that the state agrees to make under this article.

Subd. 6. **Taxability of interest on bonds.** The bonds authorized by this section may be issued whether or not the interest to be paid on them is gross income for federal tax purposes, provided that the commission must make an effort to arrange the financing for the project in a manner that would allow the interest to be tax-exempt to the greatest extent possible.

Sec. 8. [473.766] DEVELOPMENT AND FINANCING AGREEMENT.

Subdivision 1. **Agreement required.** Prior to commencement of construction, the commission must negotiate and enter into an agreement with Anoka County, the city of Blaine, and the Minnesota Vikings concerning the terms and conditions under which the parties will make contributions of money, future revenues, interests in property for the site and public infrastructure, the method of completing design and construction, which may include the design build process, the integration of the stadium and related infrastructure with surrounding development, and other matters relating to the stadium, its operation, maintenance, and financing. This agreement must, at a minimum, meet the requirements of this section.

Subd. 2. **Total public investment towards stadium project costs.** The total public investment shall not exceed \$510,000,000, of which \$395,000,000 is for stadium project costs and \$115,000,000 is for offsite infrastructure. As used in this section, "stadium project costs" includes the costs of the following:

- (1) acquisition of land needed for the stadium structure and related parking and infrastructure;
- (2) design and construction of the stadium and related infrastructure;
- (3) finished space and fixtures, furniture, and equipment within the stadium project for the Minnesota Vikings, concessions and suites; and
- (4) land, design, construction, fixtures, furniture, and equipment for the Minnesota Vikings indoor practice facility and exhibition hall.

The extent of the expenditures under this section is subject to the agreement of the Minnesota Vikings. Expenditures for finishing and equipping the space within the stadium for the Minnesota Vikings is subject to a per square foot maximum agreed to by the commission and the team.

Subd. 3. **Team contribution.** The team must contribute at least \$280,000,000 to the sports facility costs. Team contributions may include, but are not limited to, contribution of land, initial cash contributions, and cash equivalent to the net present value of guaranteed annual payments and assignments of naming rights and permanent seat licenses. Team contributions do not include payments of operating and maintenance expenses for the stadium, which must be made by the team. In addition to any other team contribution, the team must assume and pay when due all cost overruns for the stadium.

Sec. 9. [473.767] USE AGREEMENT.

Subdivision 1. **Requirement.** Prior to the issuance of bonds under section 473.765, the

commission must have entered into an agreement with the Minnesota Vikings and the National Football League meeting the requirements of this section.

Subd. 2. **Agreement with Minnesota Vikings.** The commission shall enter into a use agreement with the Minnesota Vikings that, at a minimum, provides for the following:

(1) the Minnesota Vikings will use the stadium for all scheduled home preseason, regular season, and postseason games that the team is entitled to play at home for a term of not less than 30 years;

(2) the agreement must include terms for default, termination, and breach of agreement; and

(3) the agreement must require specific performance and must not include escape clauses or buyout provisions.

Subd. 3. **Agreement with national football league.** The commission shall enter into an agreement with the National Football League guaranteeing the continuance of the Minnesota Vikings in the metropolitan area for the period of the agreements referred to in subdivision 2, clause (1).

Sec. 10. [473.768] LIQUOR LICENSES.

The city of Blaine may issue one or more intoxicating liquor licenses for the stadium. These licenses are in addition to the number authorized by law. All provisions of chapter 340A not inconsistent with this subdivision apply to the licenses authorized under this subdivision.

Sec. 11. EFFECTIVE DATE.

This article is effective the day following final enactment.

ARTICLE 3

SPORTS FACILITIES FINANCING AND GOVERNANCE

Section 1. [473.131] METROPOLITAN AREA SALES AND USE TAXES.

Subdivision 1. **Sales and use tax authorized.** Notwithstanding section 477A.016 or any other provision of law, ordinance, or city charter, if approved by a majority of the voters in the metropolitan area at an election described in section 19, the council shall impose by resolution a sales and use tax at a rate of one-half of one percent on sales and uses in the metropolitan area for the purposes specified in subdivision 2. Except as otherwise provided in this section, the provisions of section 297A.99 govern the imposition, administration, collection, and enforcement of the tax authorized under this subdivision.

Subd. 2. **Use of revenues.** (a) The proceeds remitted to the Metropolitan Council under this section must be used by the council as follows:

(1) one-half must be distributed to the Metropolitan Sports Facilities Commission to be used to finance a new ballpark for the use of the Minnesota Twins, including public infrastructure costs, ballpark costs, capital improvements to the ballpark, operating expenses of the commission, and payment of debt service on obligations issued under article 1, and a new stadium for the use of the Minnesota Vikings; and

(2) one-half to be used by the council for implementation of the public transit components of the council's 2030 transportation policy plan, and for other public transit operations and capital improvements provided or assisted by the council in counties in the metropolitan transportation area.

(b) When sufficient revenues to complete construction of the stadium and ballpark and to provide for payment of the costs described in paragraph (a), clause (1), have been raised from the tax under this section and all other revenues available for those projects, the full amount of the revenues from

the tax must be used for purposes of paragraph (a), clause (2).

Subd. 3. **Exemption to tax limitations.** The tax imposed under this section is not included in determining whether the total tax on lodging in the city of Minneapolis exceeds the maximum allowed tax under Laws 1986, chapter 396, section 5, as amended by Laws 2001, First Special Session chapter 5, article 12, section 87, or in determining a tax that may be imposed under any other limitations.

Subd. 4. **Stadium financing.** The Metropolitan Sports Facilities Commission must allocate the revenues provided under subdivision 2, paragraph (a), clause (1), in a manner that provides for timely completion of both sports facilities, with the ballpark having first priority in time, and that minimizes the cost of borrowing for construction of the facilities. The commission must consult with the Minnesota Twins and the Minnesota Vikings in developing the plan for timing of the projects.

Sec. 2. Minnesota Statutes 2004, section 473.551, subdivision 1, is amended to read:

Subdivision 1. **Terms.** For the purposes of sections 473.551 to 473.599 and 473.75 to 473.768, the following terms shall have the meanings given in this section.

Sec. 3. Minnesota Statutes 2004, section 473.551, subdivision 8, is amended to read:

Subd. 8. **Sports facility or sports facilities.** "Sports facility" or "sports facilities" means real or personal property comprising a stadium, stadiums, or arenas suitable for university or major league professional baseball, for university or major league professional football and soccer, or for both, or for university or major league hockey or basketball, or for both, together with adjacent parking facilities, including on the effective date of Laws 1994, chapter 648, the metrodome, the met center, ~~and;~~ upon acquisition by the commission, the basketball and hockey arena; the ballpark provided under sections 473.75 to 473.757; and the stadium provided under sections 473.76 to 473.768.

Sec. 4. Minnesota Statutes 2004, section 473.551, is amended by adding a subdivision to read:

Subd. 18. **Ballpark.** "Ballpark" is the sports facility located in the city of Minneapolis used primarily as a venue for playing major league baseball, constructed and financed under sections 473.75 to 473.757.

Sec. 5. Minnesota Statutes 2004, section 473.551, is amended by adding a subdivision to read:

Subd. 19. **Football stadium.** "Football stadium" is the sports facility located in the city of Blaine used primarily as a venue for playing major league professional football, constructed and financed under sections 473.76 to 473.768.

Sec. 6. Minnesota Statutes 2004, section 473.553, subdivision 2, is amended to read:

Subd. 2. **Membership.** The commission shall consist of ~~six~~ two members, appointed by the governor, both of whom must reside in a metropolitan county other than Anoka or Hennepin, one member appointed by the city council of the city in which the stadium is located of Blaine, one member appointed by the city council of the city of Minneapolis, two members appointed by the Anoka County Board, two members appointed by the Hennepin County Board, plus a chair appointed as provided in subdivision 3. The terms of all members of the commission on the date of enactment of this act terminate, and the terms of all members under this subdivision as amended under this act begin, on September 1, 2006. The members appointed by the governor, including the chair, are subject to confirmation by the senate.

Sec. 7. Minnesota Statutes 2004, section 473.553, subdivision 3, is amended to read:

Subd. 3. **Chair.** The chair shall be appointed by the governor as ~~the ninth~~ a voting member and shall meet all of the qualifications of a member, ~~except the chair need only reside outside the city of Minneapolis.~~ The chair shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned by the commission or by law. The commission may appoint from among its members a vice-chair to act for the chair during temporary absence or disability.

Sec. 8. Minnesota Statutes 2004, section 473.553, subdivision 4, is amended to read:

Subd. 4. **Qualifications.** A member shall not during a term of office hold the office of Metropolitan Council member or be a member of another metropolitan agency or hold any judicial office or office of state government. ~~None of the members appointed by the city council of the city in which the stadium is located shall be an elected public official of that city or of another political subdivision any part of whose territory is shared with that city.~~ Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, article V, section 6. The oath, duly certified by the official administering it, shall be filed with the chair of the Metropolitan Council.

Sec. 9. Minnesota Statutes 2004, section 473.553, subdivision 5, is amended to read:

Subd. 5. **Terms.** ~~The initial terms of three the members appointed by the governor and one of the members appointed by each of the county boards in 2006 shall end the first Monday in January in the year ending in the numeral "5" 2010. The terms of the other members and the chair shall end the first Monday in January in the year ending in the numeral "7" 2012. Thereafter, the term of each member and the chair shall be four years. The terms shall continue until a successor is appointed and qualified. Members may be removed only for cause.~~

Sec. 10. Minnesota Statutes 2004, section 473.556, subdivision 3, is amended to read:

Subd. 3. **Acquisition of property.** The commission may acquire by lease, purchase, gift, or devise all necessary right, title, and interest in and to real or personal property deemed necessary to the purposes contemplated by sections 473.551 to 473.599 and 473.75 to 473.768 within the limits of the metropolitan area.

Sec. 11. Minnesota Statutes 2004, section 473.556, subdivision 4, is amended to read:

Subd. 4. **Exemption of property.** (a) Except as otherwise provided in this subdivision, any real or personal property acquired, owned, leased, controlled, used, or occupied by the commission for any of the purposes of sections 473.551 to 473.599 and 473.75 to 473.768 is declared to be acquired, owned, leased, controlled, used and occupied for public, governmental, and municipal purposes, and shall be exempt from ad valorem taxation by the state or any political subdivision of the state, provided that such properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of any such properties in any manner different from their use under sections 473.551 to 473.599 or 473.75 to 473.768 at the time shall be considered in determining the special benefit received by the properties. All assessments shall be subject to final confirmation by the council, whose determination of the benefits shall be conclusive upon the political subdivision levying the assessment. Notwithstanding the provisions of section 272.01, subdivision 2, or 273.19, real or personal property leased by the commission to another person for uses related to the purposes of sections 473.551 to 473.599 or 473.75 to 473.768, including the operation of the metro dome, met center, and, if acquired by the commission, the basketball and hockey arena shall be exempt from taxation regardless of the length of the lease. The provisions of this subdivision, insofar as they require exemption or special treatment, shall not apply to any real property comprising the met center, the ballpark, or the football stadium, which is leased by the commission for residential, business, or commercial development or other purposes different from those contemplated in sections 473.551 to 473.599 or 473.75 to 473.768, as applicable.

(b) For the football stadium, this exemption includes concessions, suites, locker rooms, and clubhouse facilities in the stadium and parking facilities on the stadium site, but does not include team offices.

Sec. 12. Minnesota Statutes 2004, section 473.556, subdivision 5, is amended to read:

Subd. 5. **Facility operation.** (a) The commission may equip, improve, operate, manage, maintain, and control the Metrodome, Met Center, basketball and hockey arena and sports facilities

constructed, remodeled, or acquired under the provisions of sections 473.551 to 473.599 and, to the extent provided in the applicable use agreements, 473.75 to 473.768.

(b) The commission must seek to promote and maximize the use of the sports facilities for uses in addition to that by the team for which it was constructed.

Sec. 13. Minnesota Statutes 2004, section 473.556, subdivision 6, is amended to read:

Subd. 6. **Disposition of property.** (a) The commission may sell, lease, or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in accordance with the procedures provided by section 469.065, insofar as practical and consistent with sections 473.551 to 473.599 and 473.75 to 473.768, except as provided in paragraph (c).

(b) The proceeds from the sale of any real property at the metropolitan sports area shall be paid to the council and used for debt service or retirement.

(c) The sale or disposition of property acquired in connection with the ballpark is not subject to the requirements of section 469.065, subdivisions 6 and 7. Title to the ballpark shall not otherwise be transferred or sold without approval by a law enacted by the legislature.

Sec. 14. Minnesota Statutes 2004, section 473.556, subdivision 12, is amended to read:

Subd. 12. **Use agreements.** The commission may lease, license, or enter into agreements and may fix, alter, charge, and collect rentals, fees, and charges to all persons for the use, occupation, and availability of part or all of any premises, property, or facilities under its ownership, operation, or control for purposes that will provide athletic, educational, cultural, commercial or other entertainment, instruction, or activity for the citizens of the metropolitan area. Any such use agreement may provide that the other contracting party shall have exclusive use of the premises at the times agreed upon. The agreement related to the ballpark may provide that the other contracting party has the right to retain all revenues from ticket sales, suite licenses, concessions, advertising, naming rights, and other revenues derived from the ballpark. The lease or use agreement with a team using the ballpark must provide for the payment by the team of operating and maintenance costs and expenses and provide other terms the commission and team agree to.

Sec. 15. Minnesota Statutes 2004, section 473.556, subdivision 17, is amended to read:

Subd. 17. **Creating a condominium.** The commission may, by itself or together with the Minneapolis Community Development Agency and any other person, as to real or personal property comprising or appurtenant or ancillary to the basketball and hockey arena and the health club, the ballpark, or the football stadium, act as a declarant and establish a condominium or leasehold condominium under chapter 515A or a common interest community or leasehold common interest community under chapter 515B, and may grant, establish, create, or join in other or related easements, agreements and similar benefits and burdens that the commission may deem necessary or appropriate, and exercise any and all rights and privileges and assume obligations under them as a declarant, unit owner or otherwise, insofar as practical and consistent with sections 473.551 to 473.599. The commission may be a member of an association and the chair, any commissioners and any officers and employees of the commission may serve on the board of an association under chapter 515A or 515B.

Sec. 16. Minnesota Statutes 2004, section 473.556, is amended by adding a subdivision to read:

Subd. 18. **Web site.** The commission shall establish a Web site to provide information to the public concerning all actions taken by the commission. At a minimum, the Web site must contain a current version of the commission's bylaws, notices of upcoming meetings, minutes of the commission's meetings, and contact telephone and fax numbers for public comments.

Sec. 17. Minnesota Statutes 2004, section 473.561, is amended to read:

473.561 EXEMPTION FROM COUNCIL REVIEW.

The acquisition and betterment of sports facilities by the commission shall be conducted pursuant to sections 473.551 to 473.599 and 473.75 to 473.768 and shall not be affected by the provisions of sections 473.165 and 473.173. Minnesota Statutes, section 116J.994, does not apply to any transactions of the commission or any other governmental entity related to the ballpark or its related public infrastructure.

Sec. 18. [473.5996] PROCEEDS OF METRODOME SALE.

Upon sale of the Metrodome, the Metropolitan Sports Facilities Commission must transfer the net sales proceeds less costs of demolitions, if any, to the Metropolitan Council for use to fund transit improvements.

Sec. 19. ELECTION.

The secretary of state, in cooperation with the county auditors of the metropolitan area, shall conduct a special election in the metropolitan area at the time of the general election the Tuesday after the first Monday in November 2006. The following questions shall appear on the ballot:

"Shall an additional tax of one-half of one percent be imposed on sales and uses in the metropolitan area to pay for a ballpark, a football stadium, and public transit operations and improvements in the metropolitan area?"

If a majority of the electors voting on the question answer the question in the affirmative, the Metropolitan Council shall impose the tax described in Minnesota Statutes, section 473.131.

Sec. 20. REPEALER.

Minnesota Statutes 2004, section 473.553, subdivision 14, is repealed.

Sec. 21. APPLICATION.

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 22. EFFECTIVE DATE.

This article is effective the day following final enactment."

Amend the title accordingly

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

SECOND READING OF SENATE BILLS

S.F. No. 3398 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 2480 was read the second time.

MEMBERS EXCUSED

Senators Dille, Senjem and Stumpf were excused from the Session of today from 10:00 to 11:00 a.m. Senators Marko and Pariseau were excused from the Session of today at 3:40 p.m. Senators

Hann, Neuville and Ranum were excused from the Session of today from 3:40 to 4:05 p.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, May 3, 2006. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

