

## ONE HUNDRED FIRST DAY

St. Paul, Minnesota, Friday, May 9, 2014

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

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rev. Martin Ericson.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

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

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communication was received.

April 15, 2014

The Honorable Sandra L. Pappas  
President of the Senate

Dear Senator Pappas:

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

## BOARD OF HIGH PRESSURE PIPING SYSTEMS

Robert Bastianelli, 3152 Lyman St., Duluth, in the county of Saint Louis, effective April 20, 2014, for a term expiring on December 31, 2016.

Marit Brock, 74 Garfield St., Saint Paul, in the county of Ramsey, effective April 20, 2014, for a term expiring on December 31, 2016.

David Carlson, 65 Larson Rd., Esko, in the county of Carlton, effective April 20, 2014, for a term expiring on December 31, 2016.

Mark Geisenhoff, 3944 - 35th St. N., Lake Elmo, in the county of Washington, effective April 20, 2014, for a term expiring on December 31, 2016.

Mark Kincs, 1518 Chestnut Ave., Minneapolis, in the county of Hennepin, effective April 20, 2014, for a term expiring on December 31, 2016.

Chris Savage, 230 Maple St. N., Balaton, in the county of Lyon, effective April 20, 2014, for a term expiring on December 31, 2016.

(Referred to the Committee on Jobs, Agriculture and Rural Development.)

Sincerely,  
Mark Dayton, Governor

## MESSAGES FROM THE HOUSE

Madam President:

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

**S.F. No. 1740:** A bill for an act relating to telecommunications; consumer protection; requiring antitheft functionality for smart phones to deter theft; establishing requirements for acquisition and resale of wireless communications devices; proposing coding for new law in Minnesota Statutes, chapters 325E; 325F.

Senate File No. 1740 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 8, 2014

Senator Benson, for Senator Sieben, moved that S.F. No. 1740 be laid on the table. The motion prevailed.

Madam President:

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

**S.F. No. 2336:** A bill for an act relating to lawful gambling; providing for lawful gambling fraud; amending Minnesota Statutes 2012, section 609.763.

Senate File No. 2336 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 8, 2014

### CONCURRENCE AND REPASSAGE

Senator Goodwin moved that the Senate concur in the amendments by the House to S.F. No. 2336 and that the bill be placed on its repassage as amended.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 38 and nays 24, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Hall	Miller	Petersen, B.	Scalze
Benson	Hann	Nelson	Pratt	Senjem
Bonoff	Housley	Newman	Reinert	Thompson
Brown	Kiffmeyer	Nienow	Rest	Weber
Fischbach	Limmer	Osmek	Rosen	

The motion prevailed.

S.F. No. 2336 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 49 and nays 15, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Hoffman	Marty	Reinert
Carlson	Eaton	Ingebrigtsen	Metzen	Rosen
Champion	Eken	Jensen	Miller	Saxhaug
Clausen	Fischbach	Johnson	Nelson	Scalze
Cohen	Franzen	Kent	Newman	Schmit
Dahle	Goodwin	Koenen	Osmek	Senjem
Dahms	Hawj	Latz	Pappas	Sheran
Dibble	Hayden	Lourey	Pratt	Sieben

Skoe  
Sparks

Stumpf  
Tomassoni

Torres Ray  
Weber

Westrom  
Wiger

Wiklund

Those who voted in the negative were:

Anderson  
Benson  
Bonoff

Brown  
Chamberlain  
Hall

Hann  
Housley  
Kiffmeyer

Limmer  
Nienow  
Ortman

Petersen, B.  
Rest  
Thompson

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

### MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

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

**S.F. No. 2192:** A bill for an act relating to environment; prohibiting and regulating certain lead and mercury products; regulating certain products containing formaldehyde; amending Minnesota Statutes 2012, sections 115A.932, subdivision 1; 116.92, subdivisions 4, 5, 6, 8j, by adding a subdivision; Minnesota Statutes 2013 Supplement, sections 325F.176; 325F.177; proposing coding for new law in Minnesota Statutes, chapter 116.

Senate File No. 2192 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 8, 2014

Senator Marty moved that the Senate do not concur in the amendments by the House to S.F. No. 2192, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3169.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 8, 2014

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 3169:** A bill for an act relating to state government; establishing a legislative salary council; modifying a proposed constitutional amendment to remove lawmakers' power to set their own pay; amending Laws 2013, chapter 124, sections 1; 2; proposing coding for new law in Minnesota Statutes, chapter 15A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2575, now on General Orders.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

#### **Senators Anderson, Newman, Ingebrigtsen and Brown introduced—**

**S.F. No. 2980:** A bill for an act relating to taxation; property; phasing out the state general levy; amending Minnesota Statutes 2012, section 275.025, subdivision 1; repealing Minnesota Statutes 2012, section 275.025.

Referred to the Committee on Taxes.

#### **Senator Petersen, B. introduced—**

**S.F. No. 2981:** A bill for an act relating to civil law; specifying state policy related to the National Defense Authorization Act for Fiscal Year 2012 and all other similar legislation; providing for freedom of persons within the boundaries of the state of Minnesota from disposition under the law of war; providing for criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 1.

Referred to the Committee on Judiciary.

### MOTIONS AND RESOLUTIONS

#### **Senators Nelson, Senjem, Rosen, Sheran and Sparks introduced –**

**Senate Resolution No. 257:** A Senate resolution recognizing the 150th Anniversary of the Mayo Clinic.

Referred to the Committee on Rules and Administration.

#### **Senators Hayden, Metzen, Sieben, Torres Ray and Pappas introduced –**

**Senate Resolution No. 258:** A Senate resolution expressing the sense of the Minnesota Senate concerning the abduction of over 250 Nigerian girls by the terrorist group Boko Haram.

Referred to the Committee on Rules and Administration.

#### **Senator Pederson, J. introduced –**

**Senate Resolution No. 259:** A Senate resolution congratulating Mitchell David Miller of St. Cloud for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Stumpf introduced –**

**Senate Resolution No. 260:** A Senate resolution Northland Community and Technical College Women's Basketball team on winning the 2014 National Junior College Athletic Association Division III Women's Basketball National Championship.

Referred to the Committee on Rules and Administration.

Senator Wiklund moved that S.F. No. 1698, No. 10 on General Orders, be stricken and returned to its author. The motion prevailed.

Senator Sieben moved that S.F. No. 1740 be taken from the table. The motion prevailed.

**S.F. No. 1740:** A bill for an act relating to telecommunications; consumer protection; requiring antitheft functionality for smart phones to deter theft; establishing requirements for acquisition and resale of wireless communications devices; proposing coding for new law in Minnesota Statutes, chapters 325E; 325F.

**CONCURRENCE AND REPASSAGE**

Senator Sieben moved that the Senate concur in the amendments by the House to S.F. No. 1740 and that the bill be placed on its repassage as amended.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 43 and nays 21, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Hall	Limmer	Petersen, B.	Westrom
Benson	Hann	Nelson	Pratt	
Brown	Housley	Nienow	Senjem	
Chamberlain	Ingebrigtsen	Ortman	Thompson	
Dahms	Kiffmeyer	Osmek	Weber	

The motion prevailed.

S.F. No. 1740 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 44 and nays 19, as follows:

Those who voted in the affirmative were:

Bakk	Clausen	Dziedzic	Franzen	Hoffman
Bonoff	Cohen	Eaton	Goodwin	Jensen
Carlson	Dahle	Eken	Hawj	Johnson
Champion	Dibble	Fischbach	Hayden	Kent

Koenen	Miller	Rosen	Sieben	Torres Ray
Latz	Nelson	Saxhaug	Skoe	Weber
Lourey	Newman	Scalze	Sparks	Wiger
Marty	Pappas	Schmit	Stumpf	Wiklund
Metzen	Rest	Sheran	Tomassoni	

Those who voted in the negative were:

Anderson	Dahms	Ingebrigtsen	Ortman	Senjem
Benson	Hall	Kiffmeyer	Osmek	Thompson
Brown	Hann	Limmer	Petersen, B.	Westrom
Chamberlain	Housley	Nienow	Pratt	

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

## MOTIONS AND RESOLUTIONS - CONTINUED

### SPECIAL ORDERS

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

S.F. No. 1770, H.F. No. 2950, S.F. Nos. 2268, 2255, H.F. Nos. 263, 2684 and 2386.

### SPECIAL ORDER

**S.F. No. 1770:** A bill for an act relating to data practices; clarifying application of government data practices act to parties contracting with a government entity; amending Minnesota Statutes 2012, section 13.05, subdivision 11.

Senator Dziedzic moved to amend S.F. No. 1770 as follows:

Page 1, line 11, delete the new language

Page 1, after line 19, insert:

"Sec. 2. **[13.387] HEALTH CARE CONTRACT DATA.**

The provisions of section 13.05, subdivision 11, requiring public access to certain data of private persons performing a government function, do not apply to health plan companies, managed care organizations, county-based purchasing plans, third-party administrators, providers, or other vendors, or their parent or subsidiary, contracting with a government entity for health care related services. This section expires on June 30, 2015.

Sec. 3. **HEALTH CARE STUDY.**

The commissioner of human services, in consultation with interested stakeholders and other state agencies, shall study public policy issues related to application of Minnesota Statutes, section 13.05, subdivision 11, to the entities listed in section 2 and the economic impact on the health care market. The commissioner shall submit a report to the chairs and ranking minority members of the committees of the legislature with jurisdiction over health and human services policy and finance and data practices by December 21, 2014.

Sec. 4. **EFFECTIVE DATE.**

This act is effective the day following final enactment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1770 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	Eken	Kent	Osmek	Skoe
Benson	Fischbach	Kiffmeyer	Pappas	Sparks
Bonoff	Franzen	Koenen	Petersen, B.	Stumpf
Brown	Goodwin	Latz	Pratt	Thompson
Carlson	Hall	Limmer	Reinert	Tomassoni
Chamberlain	Hann	Lourey	Rest	Torres Ray
Champion	Hawj	Marty	Rosen	Weber
Clausen	Hayden	Metzen	Saxhaug	Westrom
Dahle	Hoffman	Miller	Scalze	Wiger
Dahms	Housley	Nelson	Schmit	Wiklund
Dibble	Ingebrigtsen	Newman	Senjem	
Dziedzic	Jensen	Nienow	Sheran	
Eaton	Johnson	Ortman	Sieben	

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

### SPECIAL ORDER

**H.F. No. 2950:** A bill for an act relating to human services; removing obsolete provisions from statute and rule relating to children and family services, health care, chemical and mental health services, continuing care, and operations; modifying provisions governing the elderly waiver, the alternative care program, and mental health services for children; amending Minnesota Statutes 2012, sections 13.46, subdivision 4; 245.4871, subdivisions 3, 6; 245.4873, subdivision 2; 245.4874, subdivision 1; 245.4881, subdivisions 3, 4; 245.4882, subdivision 1; 245C.04, subdivision 1; 245C.05, subdivision 5; 246.0135; 246.325; 254B.05, subdivision 2; 256.01, subdivision 14b; 256.963, subdivision 2; 256.969, subdivision 9; 256B.0913, subdivisions 5a, 14; 256B.0915, subdivisions 3c, 3d, 3f, 3g; 256B.0943, subdivisions 8, 10, 12; 256B.69, subdivisions 2, 4b, 5, 5a, 5b, 6b, 6d, 17, 26, 29, 30; 256B.692, subdivisions 2, 5; 256D.02, subdivision 11; 256D.04; 256D.045; 256D.07; 256I.04, subdivision 3; 256I.05, subdivision 1c; 256J.425, subdivision 4; 518A.65; 595.06; 626.556, subdivision 3c; Minnesota Statutes 2013 Supplement, sections 245A.03, subdivision 7; 256B.0943, subdivisions 1, 2, 7; 256B.69, subdivisions 5c, 28; 256D.02, subdivision 12a; 517.04; Laws 2013, chapter 108, article 3, section 48; repealing Minnesota Statutes 2012, sections 119A.04, subdivision 1; 119B.09, subdivision 2; 119B.23; 119B.231; 119B.232; 158.13; 158.14; 158.15; 158.16; 158.17; 158.18; 158.19; 245.0311; 245.0312; 245.072; 245.4861; 245.487, subdivisions 4, 5; 245.4871, subdivisions 7, 11, 18, 25; 245.4872; 245.4873, subdivisions 3, 6; 245.4875, subdivisions 3, 6, 7; 245.4883, subdivision 1; 245.490; 245.492, subdivisions 6, 8, 13, 19; 245.4932, subdivisions 2, 3, 4; 245.4933; 245.494; 245.63; 245.652; 245.69, subdivision 1; 245.714; 245.715; 245.717; 245.718; 245.721; 245.77; 245.827; 245A.02, subdivision 7b; 245A.09, subdivision 12; 245A.11, subdivision 5; 246.012; 246.016; 246.023, subdivision 1; 246.28; 251.045; 252.05; 252.07; 252.09; 254.01; 254.03; 254.04; 254.06; 254.07; 254.09; 254.10; 254.11; 254A.05, subdivision 1; 254A.07, subdivisions 1, 2; 254A.16, subdivision 1; 254B.01, subdivision 1; 254B.04, subdivision 3; 256.01, subdivisions 3, 14, 14a; 256.964; 256.9691; 256.971; 256.975, subdivision 3; 256.9753, subdivision 4; 256.9792; 256B.04,



subdivision 16; 256B.0656; 256B.0657; 256B.075, subdivision 4; 256B.0757, subdivision 7; 256B.0913, subdivision 9; 256B.0916, subdivisions 6, 6a; 256B.0928; 256B.19, subdivision 3; 256B.431, subdivisions 28, 31, 33, 34, 37, 38, 39, 40, 41, 43; 256B.434, subdivision 19; 256B.440; 256B.441, subdivisions 46, 46a; 256B.491; 256B.501, subdivisions 3a, 3b, 3h, 3j, 3k, 3l, 5e; 256B.5016; 256B.503; 256B.53; 256B.69, subdivisions 5e, 6c, 24a; 256B.692, subdivision 10; 256D.02, subdivision 19; 256D.05, subdivision 4; 256D.46; 256I.05, subdivisions 1b, 5; 256I.07; 256J.24, subdivision 10; 256K.35; 259.85, subdivisions 2, 3, 4, 5; 518A.53, subdivision 7; 518A.74; 626.557, subdivision 16; 626.5593; Minnesota Statutes 2013 Supplement, sections 246.0251; 254.05; 254B.13, subdivision 3; 256B.31; 256B.501, subdivision 5b; 256C.05; 256C.29; 259.85, subdivision 1; Minnesota Rules, parts 9549.0020, subparts 2, 12, 13, 20, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 43, 44, 46, 47; 9549.0030; 9549.0035, subparts 4, 5, 6; 9549.0036; 9549.0040; 9549.0041, subparts 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15; 9549.0050; 9549.0051, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14; 9549.0053; 9549.0054; 9549.0055, subpart 4; 9549.0056; 9549.0060, subparts 1, 2, 3, 8, 9, 12, 13; 9549.0061; 9549.0070, subparts 1, 4.

Senator Hoffman moved that the amendment made to H.F. No. 2950 by the Committee on Rules and Administration in the report adopted May 8, 2014, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

Senator Hoffman moved to amend H.F. No. 2950 as follows:

Page 50, line 10, before "252.05" insert "252.038;"

The motion prevailed. So the amendment was adopted.

H.F. No. 2950 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**S.F. No. 2268:** A bill for an act relating to metropolitan transit; expanding scope of jurisdiction of Transportation Accessibility Advisory Committee; amending Minnesota Statutes 2012, sections 473.375, by adding a subdivision; 473.386, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12.5, Senator Newman moved that the following members be excused for a Conference Committee on H.F. No. 2531 at 11:40 a.m.:

Senators Hoffman, Newman and Hayden. The motion prevailed.

### SPECIAL ORDER

**S.F. No. 2255:** A bill for an act relating to deposits and investments of public funds; granting the Metropolitan Council additional investment authority; making certain conforming technical changes; amending Minnesota Statutes 2012, sections 118A.03, subdivision 5; 118A.04, subdivisions 7, 8; 118A.07; 473.543, subdivision 3.

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 34 and nays 22, as follows:

Those who voted in the affirmative were:

Bonoff	Eaton	Kent	Petersen, B.	Sieben
Carlson	Eken	Koenen	Reinert	Sparks
Champion	Franzen	Latz	Rest	Stumpf
Clausen	Goodwin	Lourey	Saxhaug	Tomassoni
Dahle	Hawj	Marty	Scalze	Wiger
Dibble	Jensen	Metzen	Schmit	Wiklund
Dziedzic	Johnson	Pappas	Sheran	

Those who voted in the negative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 263:** A bill for an act relating to public safety; adding fifth degree assault and certain domestic assault provisions to crime of violence; amending Minnesota Statutes 2012, section 624.712, subdivision 5.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 2684:** A bill for an act relating to transportation; amending requirements governing graduated driver licensing; amending Minnesota Statutes 2012, sections 171.01, by adding a subdivision; 171.05, by adding a subdivision; 171.055, subdivision 1; 171.0701, by adding a subdivision; Minnesota Statutes 2013 Supplement, section 171.05, subdivision 2.

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 50 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Housley	Miller	Scalze
Benson	Dziedzic	Jensen	Nelson	Schmit
Bonoff	Eaton	Johnson	Nienow	Sieben
Brown	Eken	Kent	Osmek	Sparks
Carlson	Fischbach	Kiffmeyer	Pappas	Stumpf
Chamberlain	Franzen	Koenen	Pratt	Thompson
Champion	Goodwin	Latz	Reinert	Tomassoni
Clausen	Hall	Limmer	Rest	Weber
Dahle	Hann	Lourey	Rosen	Wiger
Dahms	Hawj	Metzen	Saxhaug	Wiklund

Those who voted in the negative were:

Ingebrigtsen	Ortman	Petersen, B.	Senjem	Westrom
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So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 2386:** A bill for an act relating to judiciary; modifying filing of petition for relief from conviction; modifying notice to offender for restitution; amending Minnesota Statutes 2012, sections 590.02, subdivision 3; 611A.045, subdivision 3.

Senator Hall moved that the amendment made to H.F. No. 2386 by the Committee on Rules and Administration in the report adopted May 6, 2014, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2386 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Reports of Committees.

**REPORTS OF COMMITTEES**

**Senator Torres Ray from the Committee on Education, to which was referred the following appointment:**

BOARD OF SCHOOL ADMINISTRATORS  
Deborah Henton

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

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

**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 Message From the House.

**MESSAGES FROM THE HOUSE**

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2576, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2576 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 8, 2014

**CONFERENCE COMMITTEE REPORT ON H. F. NO. 2576**

A bill for an act relating to criminal justice; modifying provisions governing expungement of criminal records; requiring business screening services to delete expunged records; allowing expungement of eviction records in certain cases; appropriating money; amending Minnesota Statutes 2012, sections 245C.22, subdivision 7; 245C.23, subdivision 1; 260B.198, subdivision 6; 332.70, by adding a subdivision; 504B.345, subdivision 1; 609A.02, subdivision 3; 609A.03, subdivisions 1, 5, 7, 8, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 609A.

May 6, 2014

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

We, the undersigned conferees for H. F. No. 2576 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2576 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 245C.22, subdivision 7, is amended to read:

Subd. 7. **Classification of certain data.** (a) Notwithstanding section 13.46, except as provided in paragraph (f), upon setting aside a disqualification under this section, the identity of the disqualified individual who received the set-aside and the individual's disqualifying characteristics are public data if the set-aside was:

(1) for any disqualifying characteristic under section 245C.15, when the set-aside relates to a child care center or a family child care provider licensed under chapter 245A; or

(2) for a disqualifying characteristic under section 245C.15, subdivision 2.

(b) Notwithstanding section 13.46, upon granting a variance to a license holder under section 245C.30, the identity of the disqualified individual who is the subject of the variance, the individual's

disqualifying characteristics under section 245C.15, and the terms of the variance are public data, when the variance:

(1) is issued to a child care center or a family child care provider licensed under chapter 245A; or

(2) relates to an individual with a disqualifying characteristic under section 245C.15, subdivision 2.

(c) The identity of a disqualified individual and the reason for disqualification remain private data when:

(1) a disqualification is not set aside and no variance is granted, except as provided under section 13.46, subdivision 4;

(2) the data are not public under paragraph (a) or (b);

(3) the disqualification is rescinded because the information relied upon to disqualify the individual is incorrect;

(4) the disqualification relates to a license to provide relative child foster care. As used in this clause, "relative" has the meaning given it under section 260C.007, subdivision 27; or

(5) the disqualified individual is a household member of a licensed foster care provider and:

(i) the disqualified individual previously received foster care services from this licensed foster care provider;

(ii) the disqualified individual was subsequently adopted by this licensed foster care provider; and

(iii) the disqualifying act occurred before the adoption.

(d) Licensed family child care providers and child care centers must provide notices as required under section 245C.301.

(e) Notwithstanding paragraphs (a) and (b), the identity of household members who are the subject of a disqualification related set-aside or variance is not public data if:

(1) the household member resides in the residence where the family child care is provided;

(2) the subject of the set-aside or variance is under the age of 18 years; and

(3) the set-aside or variance only relates to a disqualification under section 245C.15, subdivision 4, for a misdemeanor-level theft crime as defined in section 609.52.

(f) When the commissioner has reason to know that a disqualified individual has received an order for expungement for the disqualifying record that does not limit the commissioner's access to the record, and the record was opened or exchanged with the commissioner for purposes of a background study under this chapter, the data that would otherwise become public under paragraph (a) or (b) remain private data.

Sec. 2. Minnesota Statutes 2012, section 245C.23, subdivision 1, is amended to read:

Subdivision 1. **Disqualification that is rescinded or set aside.** (a) If the commissioner rescinds or sets aside a disqualification, the commissioner shall notify the applicant, license holder, or other entity in writing or by electronic transmission of the decision.

(b) In the notice from the commissioner that a disqualification has been rescinded, the commissioner must inform the applicant, license holder, or other entity that the information relied upon to disqualify the individual was incorrect.

(c) Except as provided in paragraph (d), in the notice from the commissioner that a disqualification has been set aside, the commissioner must inform the applicant, license holder, or other entity of the reason for the individual's disqualification and that information about which factors under section 245C.22, subdivision 4, were the basis of the decision to set aside the disqualification are available to the license holder upon request without the consent of the background study subject.

(d) When the commissioner has reason to know that a disqualified individual has received an order for expungement for the disqualifying record that does not limit the commissioner's access to the record, and the record was opened or exchanged with the commissioner for purposes of a background study under this chapter, the information provided under paragraph (c) must only inform the applicant, license holder, or other entity that the disqualifying criminal record is sealed under a court order.

Sec. 3. Minnesota Statutes 2012, section 260B.198, subdivision 6, is amended to read:

Subd. 6. **Expungement.** ~~Except when legal custody is transferred under the provisions of subdivision 1, clause (4),~~ (a) The court may expunge the adjudication of all records relating to delinquency at any time that it deems advisable if the court determines that expungement of the record would yield a benefit to the subject of the record that outweighs the detriment to the public and public safety in sealing the record and the burden on the court and public agencies or jurisdictions in issuing, enforcing, and monitoring the order.

(b) In making a determination under this subdivision, the court shall consider:

(1) the age, education, experience, and background, including mental and emotional development, of the subject of the record at the time of commission of the offense;

(2) the circumstances and nature and severity of the offense, including any aggravating or mitigating factors in the commission of the offense;

(3) victim and community impact, including age and vulnerability of the victim;

(4) the level of participation of the subject of the record in the planning and carrying out of the offense, including familial or peer influence in the commission of the offense;

(5) the juvenile delinquency and criminal history of the subject of the record;

(6) the programming history of the subject of the record, including child welfare, school and community-based, and probation interventions, and the subject's willingness to participate meaningfully in programming, probation, or both;

(7) any other aggravating or mitigating circumstance bearing on the culpability or potential for rehabilitation of the subject of the record; and

(8) the benefit that expungement would yield to the subject of the record in pursuing education, employment, housing, or other necessities.

(c) A record expunged under this subdivision prior to the effective date of this act may not be opened or exchanged. A record expunged under this subdivision on or after the effective date of this act is sealed and access only allowed pursuant to paragraph (d).

(d) Notwithstanding paragraph (a), a record that is expunged under this subdivision on or after the effective date of this act may be opened, used, or exchanged between criminal justice agencies in the same manner as a criminal record under section 609A.03, subdivision 7a, paragraph (b).

(e) Section 609A.03, subdivision 3, paragraph (d), applies to the disclosure of private or confidential data in a proceeding under this subdivision. Section 609A.03, subdivision 9, applies to an appeal of an order under this subdivision.

**EFFECTIVE DATE.** This section is effective January 1, 2015.

Sec. 4. Minnesota Statutes 2012, section 332.70, is amended by adding a subdivision to read:

Subd. 3a. **Deletion of expunged records.** If a business screening service knows that a criminal record has been sealed, expunged, or is the subject of a pardon, the screening service shall promptly delete the record.

Sec. 5. Minnesota Statutes 2012, section 504B.345, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) If the court or jury finds for the plaintiff, the court shall immediately enter judgment that the plaintiff shall have recovery of the premises, and shall tax the costs against the defendant. The court shall issue execution in favor of the plaintiff for the costs and also immediately issue a writ of recovery of premises and order to vacate.

(b) The court shall give priority in issuing a writ of recovery of premises and order to vacate for an eviction action brought under section 504B.171 or on the basis that the tenant is causing a nuisance or seriously endangers the safety of other residents, their property, or the landlord's property.

(c) If the court or jury finds for the defendant;

(1) the court shall enter judgment for the defendant, tax the costs against the plaintiff, and issue execution in favor of the defendant; and

(2) the court may expunge the records relating to the action under the provisions of section 484.014 or under the court's inherent authority at the time judgment is entered or after that time upon motion of the defendant.

(d) Except in actions brought: (1) under section 504B.291 as required by section 609.5317, subdivision 1; (2) under section 504B.171; or (3) on the basis that the tenant is causing a nuisance or seriously endangers the safety of other residents, their property, or the landlord's property, upon a showing by the defendant that immediate restitution of the premises would work a substantial hardship upon the defendant or the defendant's family, the court shall stay the writ of recovery of premises and order to vacate for a reasonable period, not to exceed seven days.

Sec. 6. Minnesota Statutes 2012, section 609A.02, subdivision 3, is amended to read:



Subd. 3. **Certain criminal proceedings not resulting in conviction.** (a) A petition may be filed under section 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

(1) all pending actions or proceedings were resolved in favor of the petitioner. For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution in favor of the petitioner;

(2) the petitioner has successfully completed the terms of a diversion program or stay of adjudication and has not been charged with a new crime for at least one year since completion of the diversion program or stay of adjudication;

(3) the petitioner was convicted of or received a stayed sentence for a petty misdemeanor or misdemeanor and has not been convicted of a new crime for at least two years since discharge of the sentence for the crime;

(4) the petitioner was convicted of or received a stayed sentence for a gross misdemeanor and has not been convicted of a new crime for at least four years since discharge of the sentence for the crime; or

(5) the petitioner was convicted of or received a stayed sentence for a felony violation of an offense listed in paragraph (b), and has not been convicted of a new crime for at least five years since discharge of the sentence for the crime.

(b) Paragraph (a), clause (5), applies to the following offenses:

(1) section 35.824 (altering livestock certificate);

(2) section 62A.41 (insurance regulations);

(3) section 86B.865, subdivision 1 (certification for title on watercraft);

(4) section 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled substance);

(5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09, subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);

(6) chapter 201; 203B; or 204C (voting violations);

(7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);

(8) section 256.984 (false declaration in assistance application);

(9) section 296A.23, subdivision 2 (willful evasion of fuel tax);

(10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);

(11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);

(12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices and solicitations);

(13) section 346.155, subdivision 10 (failure to control regulated animal);

(14) section 349.2127; or 349.22 (gambling regulations);

- (15) section 588.20 (contempt);
- (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- (17) section 609.31 (leaving state to evade establishment of paternity);
- (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil commitment for mental illness);
- (19) section 609.49 (failure to appear in court);
- (20) section 609.52, subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft offense that is sentenced under this provision; or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk of bodily harm);
- (21) section 609.525 (bringing stolen goods into state);
- (22) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- (23) section 609.527, subdivision 5b (possession or use of scanning device or reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit check); or 609.529 (mail theft);
- (24) section 609.53 (receiving stolen goods);
- (25) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check over \$500);
- (26) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- (27) section 609.551 (rustling and livestock theft);
- (28) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- (29) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- (30) section 609.595, subdivision 1, clauses (2) to (4), and subdivision 1a, paragraph (a) (criminal damage to property);
- (31) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- (32) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- (33) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision 4, paragraph (a) (lottery fraud);
- (34) section 609.652 (fraudulent driver's license and identification card);
- (35) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer); or 609.66, subdivision 1b (furnishing firearm to minor);
- (36) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- (37) section 609.686, subdivision 2 (tampering with fire alarm);

(38) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent violation or minor victim);

(39) section 609.80, subdivision 2 (interference with cable communications system);

(40) section 609.821, subdivision 2 (financial transaction card fraud);

(41) section 609.822 (residential mortgage fraud);

(42) section 609.825, subdivision 2 (bribery of participant or official in contest);

(43) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with transit operator);

(44) section 609.88 (computer damage); or 609.89 (computer theft);

(45) section 609.893, subdivision 2 (telecommunications and information services fraud);

(46) section 609.894, subdivision 3 or 4 (cellular counterfeiting);

(47) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual property);

(48) section 609.896 (movie pirating);

(49) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor); 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141, subdivision 2 (transfer of pistol to ineligible person); or

(50) section 624.7181 (rifle or shotgun in public by minor).

(c) Paragraph (a), clause (3) or (4), does not apply if the crime involved domestic abuse or sexual assault, as defined in section 518B.01, subdivision 2, or to violation of an order for protection under section 518B.01, subdivision 14, a harassment restraining order under section 609.748, subdivision 6, a violation of section 609.749, or a violation of section 629.75. This paragraph expires on July 15, 2015.

**EFFECTIVE DATE.** This section is effective January 1, 2015.

**Sec. 7. [609A.025] NO PETITION REQUIRED IN CERTAIN CASES WITH PROSECUTOR AGREEMENT AND NOTIFICATION.**

(a) If the prosecutor agrees to the sealing of a criminal record, the court shall seal the criminal record for a person described in section 609A.02, subdivision 3, without the filing of a petition unless it determines that the interests of the public and public safety in keeping the record public outweigh the disadvantages to the subject of the record in not sealing it.

(b) Before agreeing to the sealing of a record under this section, the prosecutor shall make a good faith effort to notify any identifiable victims of the offense of the intended agreement and the opportunity to object to the agreement.

(c) Subject to paragraph (b), the agreement of the prosecutor to the sealing of records for a person described in section 609A.02, subdivision 3, paragraph (a), clause (2), may occur before or after the criminal charges are dismissed.

**EFFECTIVE DATE.** This section is effective January 1, 2015.

Sec. 8. Minnesota Statutes 2012, section 609A.03, subdivision 1, is amended to read:

Subdivision 1. **Petition; filing fee.** An individual who is the subject of a criminal record who is seeking the expungement of the record shall file a petition under this section and pay a filing fee in the amount required under section 357.021, subdivision 2, clause (1). The filing fee may be waived in cases of indigency and shall be waived in the cases described in section 609A.02, subdivision 3, paragraph (a), clause (1).

**EFFECTIVE DATE.** This section is effective January 1, 2015.

Sec. 9. Minnesota Statutes 2012, section 609A.03, subdivision 3, is amended to read:

Subd. 3. **Service of petition and proposed order.** (a) The petitioner shall serve by mail the petition for expungement and a proposed expungement order on the prosecutorial office that had jurisdiction over the offense for which expungement is sought and all other state and local government agencies and jurisdictions whose records would be affected by the proposed order. The petitioner shall also serve by mail the attorney for each agency and jurisdiction.

(b) The prosecutorial office that had jurisdiction over the offense for which expungement is sought shall serve by mail the petition for expungement and a proposed expungement order on any victims of the offense for which expungement is sought who have requested notice of expungement pursuant to section 611A.06. Service under this paragraph does not constitute a violation of an existing order for protection, restraining order, or other no contact order.

(c) The prosecutorial office's notice to victims of the offense under this subdivision must specifically inform the victims of the victims' right to be present and to submit an oral or written statement at the expungement hearing described in subdivision 4.

(d) An agency or jurisdiction that is served with a petition under this subdivision may submit to the court private or confidential data on the petitioner that the agency or jurisdiction determines is necessary to respond to the petition. As part of the submission, the agency or jurisdiction shall inform the court and the petitioner that the submission contains private or confidential data that may become accessible to the public as part of the expungement proceeding. The petitioner may, at the time of filing the petition or after that time, file a request with the court to seal the private or confidential data that are submitted by the agency or jurisdiction.

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

Sec. 10. Minnesota Statutes 2012, section 609A.03, subdivision 5, is amended to read:

Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph (b), expungement of a criminal record is an extraordinary remedy to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of:

(1) sealing the record; and

(2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.

(b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction whose records would

be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.

(c) In making a determination under this subdivision, the court shall consider:

- (1) the nature and severity of the underlying crime, the record of which would be sealed;
- (2) the risk, if any, the petitioner poses to individuals or society;
- (3) the length of time since the crime occurred;
- (4) the steps taken by the petitioner toward rehabilitation following the crime;
- (5) aggravating or mitigating factors relating to the underlying crime, including the petitioner's level of participation and context and circumstances of the underlying crime;
- (6) the reasons for the expungement, including the petitioner's attempts to obtain employment, housing, or other necessities;
- (7) the petitioner's criminal record;
- (8) the petitioner's record of employment and community involvement;
- (9) the recommendations of interested law enforcement, prosecutorial, and corrections officials;
- (10) the recommendations of victims or whether victims of the underlying crime were minors;
- (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner toward payment, and the measures in place to help ensure completion of restitution payment after expungement of the record if granted; and
- (12) other factors deemed relevant by the court.

(e) (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court issues an expungement order it may require that the criminal record be sealed, the existence of the record not be revealed, and the record not be opened except as required under subdivision 7. Records must not be destroyed or returned to the subject of the record.

(e) Information relating to a criminal history record of an employee, former employee, or tenant that has been expunged before the occurrence of the act giving rise to the civil action may not be introduced as evidence in a civil action against a private employer or landlord or its employees or agents that is based on the conduct of the employee, former employee, or tenant.

**EFFECTIVE DATE.** This section is effective January 1, 2015.

Sec. 11. Minnesota Statutes 2012, section 609A.03, is amended by adding a subdivision to read:

**Subd. 6a. Order when context and circumstances of the underlying crime indicate a nexus between the criminal record to be expunged and person's status as a crime victim.** If the court finds, under section 609A.03, subdivision 5, paragraph (c), clause (5), that the context and circumstances of the underlying crime indicate a nexus between the criminal record to be expunged and the person's status as a crime victim, then the effect of the court order to seal the record of the proceedings shall be to restore the person, in the contemplation of the law, to the status the person occupied before the arrest, indictment, or information. The person shall not be guilty of perjury or otherwise of giving a false statement if the person fails to acknowledge the arrest, indictment,

information, or trial in response to any inquiry made for any purpose. The court may request a sworn statement from a staff member of a state-funded victim services organization or a licensed health care provider as evidence to support a determination under section 609A.03, subdivision 5.

**EFFECTIVE DATE.** This section is effective January 1, 2015.

Sec. 12. Minnesota Statutes 2012, section 609A.03, subdivision 7, is amended to read:

Subd. 7. **Limitations of order.** (a) Upon issuance of an expungement order related to a charge supported by probable cause, the DNA samples and DNA records held by the Bureau of Criminal Apprehension and collected under authority other than section 299C.105, shall not be sealed, returned to the subject of the record, or destroyed.

(b) Notwithstanding the issuance of an expungement order:

(1) an expunged record may be opened for purposes of a criminal investigation, prosecution, or sentencing, upon an ex parte court order;

(2) an expunged record of a conviction may be opened for purposes of evaluating a prospective employee in a criminal justice agency without a court order; and

(3) an expunged record of a conviction may be opened for purposes of a background study under section 245C.08 unless the court order for expungement is directed specifically to the commissioner of human services.

Upon request by law enforcement, prosecution, or corrections authorities, an agency or jurisdiction subject to an expungement order shall inform the requester of the existence of a sealed record and of the right to obtain access to it as provided by this paragraph. For purposes of this section, a "criminal justice agency" means courts or a government agency that performs the administration of criminal justice under statutory authority.

(c) This subdivision applies to expungement orders subject to its limitations and effective before January 1, 2015.

**EFFECTIVE DATE.** This section is effective January 1, 2015.

Sec. 13. Minnesota Statutes 2012, section 609A.03, is amended by adding a subdivision to read:

Subd. 7a. **Limitations of order.** (a) Upon issuance of an expungement order related to a charge supported by probable cause, the DNA samples and DNA records held by the Bureau of Criminal Apprehension and collected under authority other than section 299C.105 shall not be sealed, returned to the subject of the record, or destroyed.

(b) Notwithstanding the issuance of an expungement order:

(1) except as provided in clause (2), an expunged record may be opened, used, or exchanged between criminal justice agencies without a court order for the purposes of initiating, furthering, or completing a criminal investigation or prosecution or for sentencing purposes or providing probation or other correctional services;

(2) when a criminal justice agency seeks access to a record that was sealed under section 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing for lack of probable cause, for purposes of a criminal investigation, prosecution, or sentencing, the

requesting agency must obtain an ex parte court order after stating a good-faith basis to believe that opening the record may lead to relevant information;

(3) an expunged record of a conviction may be opened for purposes of evaluating a prospective employee in a criminal justice agency without a court order;

(4) an expunged record of a conviction may be opened for purposes of a background study under section 245C.08 unless the commissioner had been properly served with notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner of human services;

(5) an expunged record of a conviction may be opened for purposes of a background check required under section 122A.18, subdivision 8, unless the court order for expungement is directed specifically to the Board of Teaching or the licensing division of the Department of Education; and

(6) the court may order an expunged record opened upon request by the victim of the underlying offense if the court determines that the record is substantially related to a matter for which the victim is before the court.

(c) An agency or jurisdiction subject to an expungement order shall maintain the record in a manner that provides access to the record by a criminal justice agency under paragraph (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau of Criminal Apprehension shall notify the commissioner of human services, the Board of Teaching, or the licensing division of the Department of Education of the existence of a sealed record and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to the expungement order shall provide access to the record to the commissioner of human services, the Board of Teaching, or the licensing division of the Department of Education under paragraph (b), clause (4) or (5).

(d) An expunged record that is opened or exchanged under this subdivision remains subject to the expungement order in the hands of the person receiving the record.

(e) A criminal justice agency that receives an expunged record under paragraph (b), clause (1) or (2), must maintain and store the record in a manner that restricts the use of the record to the investigation, prosecution, or sentencing for which it was obtained.

(f) For purposes of this section, a "criminal justice agency" means a court or government agency that performs the administration of criminal justice under statutory authority.

(g) This subdivision applies to expungement orders subject to its limitations and effective on or after January 1, 2015.

**EFFECTIVE DATE.** This section is effective January 1, 2015.

Sec. 14. Minnesota Statutes 2012, section 609A.03, subdivision 8, is amended to read:

**Subd. 8. Distribution and confirmation of expungement orders.** (a) The court administrator shall send a copy of an expungement order to each agency and jurisdiction whose records are affected by the terms of the order and send a letter to the petitioner identifying each agency that received the order.

(b) If requested in the petition, each agency and jurisdiction receiving the order must send a letter to the petitioner at an address provided in the petition confirming the receipt of the expungement order and that the record has been expunged.

(c) Data on the petitioner in a letter sent under this subdivision are private data on individuals as defined in section 13.02.

**EFFECTIVE DATE.** This section is effective January 1, 2015.

Sec. 15. **[609A.04] REMEDY.**

An individual whose record is expunged under this chapter or other law may bring an action under section 13.08 against a government entity that knowingly opens or exchanges the expunged record in a manner not authorized by law."

Delete the title and insert:

"A bill for an act relating to criminal justice; modifying provisions governing expungement of criminal records; requiring business screening services to delete expunged records; allowing expungement of eviction records in certain cases; amending Minnesota Statutes 2012, sections 245C.22, subdivision 7; 245C.23, subdivision 1; 260B.198, subdivision 6; 332.70, by adding a subdivision; 504B.345, subdivision 1; 609A.02, subdivision 3; 609A.03, subdivisions 1, 3, 5, 7, 8, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 609A."

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

House Conferees: Carly Melin, Debra Hilstrom, Tony Cornish

Senate Conferees: Bobby Joe Champion, Branden Petersen, Barb Goodwin

Senator Champion moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2576 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2576 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 58 and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:



Anderson

Brown

Kiffmeyer

Newman

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

### MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2614 and 2712.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 9, 2014

Madam President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2065:** A bill for an act relating to labor and industry; extending an independent contractor registration pilot project; exempting certain sawmills from high pressure boiler attendance requirements; amending Minnesota Statutes 2012, sections 181.723, subdivisions 4, 4a, 5, 7; 326B.988; proposing coding for new law in Minnesota Statutes, chapter 326B.

There has been appointed as such committee on the part of the House:

Mahoney; Ward J. E., and Gunther.

Senate File No. 2065 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 9, 2014

Madam President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2175:** A bill for an act relating to state government; prohibiting state agencies from paying more than ten percent over the appraised value to acquire real property; proposing coding for new law in Minnesota Statutes, chapter 16B.

There has been appointed as such committee on the part of the House:

Carlson, Pelowski and Drazkowski.

Senate File No. 2175 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 9, 2014

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2402:

**H.F. No. 2402:** A bill for an act relating to state government; making changes to health and human services policy provisions; modifying provisions relating to children and family services, the provision of health services, chemical and mental health services, health-related occupations, Department of Health, public health, continuing care, public assistance programs, and health care; establishing reporting requirements and grounds for disciplinary action for health professionals; making changes to the medical assistance program; modifying provisions governing juvenile safety and placement; regulating the sale and use of tobacco-related and electronic delivery devices; modifying requirements for local boards of health; making changes to provisions governing the Board of Pharmacy; modifying home and community-based services standards; revising the Minnesota family investment program; establishing and modifying task forces and advisory councils; making changes to grant programs; modifying certain penalty fees; requiring studies and reports; amending Minnesota Statutes 2012, sections 13.46, subdivision 2; 62J.497, subdivision 5; 119B.02, subdivision 2; 119B.09, subdivisions 6, 13; 144.1501, subdivision 1; 144.414, by adding a subdivision; 144.4165; 144D.065; 144E.101, subdivision 6; 145.928, by adding a subdivision; 145A.02, subdivisions 5, 15, by adding subdivisions; 145A.03, subdivisions 1, 2, 4, 5, by adding a subdivision; 145A.04, as amended; 145A.05, subdivision 2; 145A.06, subdivisions 2, 5, 6, by adding subdivisions; 145A.07, subdivisions 1, 2; 145A.08; 145A.11, subdivision 2; 145A.131; 148.01, subdivisions 1, 2, by adding a subdivision; 148.105, subdivision 1; 148.6402, subdivision 17; 148.6404; 148.6430; 148.6432, subdivision 1; 148.7802, subdivisions 3, 9; 148.7803, subdivision 1; 148.7805, subdivision 1; 148.7808, subdivisions 1, 4; 148.7812, subdivision 2; 148.7813, by adding a subdivision; 148.7814; 148.995, subdivision 2; 148B.5301, subdivisions 2, 4; 149A.92, by adding a subdivision; 150A.01, subdivision 8a; 150A.06, subdivisions 1, 1a, 1c, 1d, 2, 2a, 2d, 3, 8; 150A.091, subdivision 16; 150A.10; 151.01; 151.06; 151.211; 151.26; 151.34; 151.35; 151.361, subdivision 2; 151.37, as amended; 151.44; 151.58, subdivisions 2, 3, 5; 153.16, subdivisions 1, 2, 3, by adding subdivisions; 214.103, subdivisions 2, 3; 214.12, by adding a subdivision; 214.29; 214.31; 214.32; 214.33, subdivision 3, by adding a subdivision; 245A.02, subdivision 19; 245A.03, subdivision 6a; 245A.155, subdivisions 1, 2, 3; 245A.65, subdivision 2; 245C.04, by adding a subdivision; 253B.092, subdivision 2; 254B.01, by adding a subdivision; 254B.05, subdivision 5; 256.962, by adding a subdivision; 256B.0654, subdivision 1; 256B.0659, subdivisions 11, 28; 256B.0751, by adding a subdivision; 256B.493, subdivision 1; 256B.5016, subdivision 1; 256B.69, subdivision 16, by adding a subdivision; 256D.01, subdivision 1e; 256D.05, by adding a subdivision; 256D.405, subdivision 1; 256E.30, by adding a subdivision; 256G.02, subdivision 6; 256I.03, subdivision 3; 256I.04, subdivisions 1a, 2a; 256J.09, subdivision 3; 256J.20, subdivision 3; 256J.30, subdivisions 4, 12; 256J.32, subdivisions 6, 8; 256J.38, subdivision 6; 256J.49, subdivision 13; 256J.521, subdivisions 1, 2; 256J.53, subdivisions 2, 5; 256J.626, subdivisions 5, 8; 256J.67; 256J.68, subdivisions 1, 2, 4, 7, 8; 256J.751, subdivision 2; 256K.26, subdivision 4; 260C.157, subdivision 3; 260C.215, subdivisions 4, 6, by adding a subdivision; 325H.05; 325H.09; 393.01, subdivisions 2, 7; 461.12; 461.18; 461.19; 609.685; 609.6855; 626.556, subdivision 11c; 626.5561, subdivision 1; Minnesota Statutes 2013 Supplement, sections 144.1225, subdivision 2; 144.493, subdivisions 1, 2; 144A.474, subdivisions 8, 12; 144A.475, subdivision 3, by adding subdivisions; 145.4716, subdivision 2; 145A.06,

subdivision 7; 151.252, by adding a subdivision; 245A.1435; 245A.50, subdivision 5; 245D.02, by adding a subdivision; 245D.05, subdivisions 1, 1b; 245D.06, subdivision 1; 245D.07, subdivision 2; 245D.071, subdivisions 1, 3, 4, 5; 245D.09, subdivisions 3, 4, 4a, 5; 245D.095, subdivision 3; 245D.22, subdivision 4; 245D.31, subdivisions 3, 4, 5; 245D.33; 254A.035, subdivision 2; 254A.04; 256B.04, subdivision 21; 256B.0625, subdivision 9; 256B.0659, subdivision 21; 256B.0922, subdivision 1; 256B.4912, subdivision 10; 256B.492; 256B.766; 256B.85, subdivision 12; 256J.21, subdivision 2; 256J.24, subdivision 3; 256J.621, subdivision 1; 256J.626, subdivisions 6, 7; 260.835, subdivision 2; 626.556, subdivision 7; 626.557, subdivision 9; Laws 2011, First Special Session chapter 9, article 7, section 7; Laws 2013, chapter 108, article 7, section 60; proposing coding for new law in Minnesota Statutes, chapters 144; 144D; 150A; 151; 214; 245A; 260D; 325F; 325H; 403; 461; repealing Minnesota Statutes 2012, sections 145A.02, subdivision 2; 145A.03, subdivisions 3, 6; 145A.09, subdivisions 1, 2, 3, 4, 5, 7; 145A.10, subdivisions 1, 2, 3, 4, 5a, 7, 9, 10; 145A.12, subdivisions 1, 2, 7; 148.01, subdivision 3; 148.7808, subdivision 2; 148.7813; 214.28; 214.36; 214.37; 256.01, subdivision 32; 325H.06; 325H.08; Minnesota Statutes 2013 Supplement, sections 148.6440; 245D.071, subdivision 2; Laws 2011, First Special Session chapter 9, article 6, section 95, subdivisions 1, 2, 3, 4; Minnesota Rules, parts 2500.0100, subparts 3, 4b, 9b; 2500.4000; 9500.1126; 9500.1450, subpart 3; 9500.1452, subpart 3; 9500.1456; 9505.5300; 9505.5305; 9505.5310; 9505.5315; 9505.5325; 9525.1580.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Liebling, Loeffler, Halverson, Morgan and Mack have been appointed as such committee on the part of the House.

House File No. 2402 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 9, 2014

Senator Sheran moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2402, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

### RECESS

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

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

### APPOINTMENTS

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

S.F. No. 2192: Senators Marty, Hoffman and Osmek.

H.F. No. 2402: Senators Sheran, Wiklund, Rosen, Lourey and Hayden.

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

#### **MEMBERS EXCUSED**

Senators Gazelka; Pederson, J. and Ruud were excused from the Session of today. Senators Chamberlain and Ortman were excused from the Session of today from 10:00 to 10:40 a.m. Senator Rest was excused from the Session of today from 10:50 to 10:55 a.m. Senator Cohen was excused from the Session of today from 11:00 to 11:15 a.m. and from 11:50 a.m. to 12:15 p.m. Senator Dahms was excused from the Session of today from 11:40 to 11:55 a.m. Senator Skoe was excused from the Session of today at 11:50 a.m. Senator Bakk was excused from the Session of today from 11:50 a.m. to 12:15 p.m. Senator Torres Ray was excused from the Session of today from 11:50 a.m. to 12:25 p.m. Senator Ingebrigtsen was excused from the Session of today at 12:00 noon. Senator Sheran was excused from the Session of today from 12:00 to 12:15 p.m.

#### **ADJOURNMENT**

Senator Bakk moved that the Senate do now adjourn until 12:00 noon, Monday, May 12, 2014. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate