

SIXTY-SECOND DAY

St. Paul, Minnesota, Monday, May 22, 2017

The Senate met at 7:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Pastor Mike Smith.

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

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

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

The President declared a quorum present.

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

MOTIONS AND RESOLUTIONS

Senator Miller moved that S.F. No. 1456 and the Conference Committee Report thereon, shown in the Journal for May 21, 2017 be taken from the table. The motion prevailed.

Senator Miller moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1456 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Pursuant to Joint Rule 2.06, Senator Latz raised a point of order that the Conference Committee Report on S.F. No. 1456 was not in order.

The President ruled the point of order not well taken.

Senator Dibble appealed the decision of the President.

CALL OF THE SENATE

Senator Limmer imposed a call of the Senate for the balance of the proceedings on S.F. No. 1456. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 35 and nays 31, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the decision of the President was sustained.

The question was taken on the adoption of the Miller motion. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1456 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 46 and nays 20, as follows:

Those who voted in the affirmative were:

Abeler	Cohen	Gazelka	Isaacson	Limmer
Anderson, B.	Dahms	Goggin	Jasinski	Little
Anderson, P.	Draheim	Hall	Jensen	Lourey
Bakk	Eichorn	Hayden	Johnson	Mathews
Benson	Eken	Hoffman	Kiffmeyer	Miller
Chamberlain	Fischbach	Housley	Koran	Nelson
Champion	Frentz	Ingebrigtsen	Lang	Newman

Osmek
Pratt
Relph

Rosen
Ruud
Senjem

Sparks
Tomassoni
Utke

Weber
Westrom

Those who voted in the negative were:

Carlson
Clausen
Cwodzinski
Dibble

Dziedzic
Eaton
Franzen
Hawj

Kent
Klein
Laine
Latz

Marty
Newton
Pappas
Schoen

Simonson
Torres Ray
Wiger
Wiklund

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

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Senator Gazelka moved that the report from the Committee on Energy and Utilities Finance and Policy, reported May 19, 2017, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Gazelka moved that the foregoing report be now adopted. The motion prevailed.

Senator Gazelka moved that in accordance with the report from the Committee on Energy and Utilities Finance and Policy, reported May 19, 2017, the Senate, having given its advice, do now consent to and confirm the appointment of:

PUBLIC UTILITIES COMMISSION COMMISSIONER

Katherine Sieben, 6068 Summit Curv. S., Cottage Grove, Washington County, effective January 23, 2017, to complete a term expiring on January 3, 2023.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Limmer moved that the appointment of notaries public, received May 18, 2017, be taken from the table. The motion prevailed.

Senator Limmer moved that the Senate do now consent to and confirm the appointments of the notaries public.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 8: A Senate concurrent resolution relating to adjournment of the Senate and House of Representatives until 2018.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 21, 2017

RECESS

Senator Gazelka 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 Hall 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 Executive and Official Communications, Messages From the House, and Introduction and First Reading of Senate Bills.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

May 22, 2017

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

Pursuant to Senate Rule 8.2, the following appointments have been withdrawn from the following committees and placed on the Confirmation Calendar.

From the Committee on Agriculture, Rural Development and Housing Policy, to which were referred the following appointments as reported in the Journal for January 5, 2017:

BOARD OF ANIMAL HEALTH

Graham Brayshaw
Dean Compart
Peter Ripka

MINNESOTA HOUSING FINANCE AGENCY

Stephanie Klinzing
John DeCramer
Terri Thao

From the Committee on E-12 Policy, to which were referred the following appointments as reported in the Journal for January 5, 2017:

BOARD OF THE MINNESOTA STATE ACADEMIES

Alex Caddy

BOARD OF THE PERPICH CENTER FOR ARTS EDUCATION

Jan Carey
Nathan Coulter
Pierce McNally
William Crutcher
Mathew Ollig
Jennifer Prock
Julia Donnelly
Benjamin Vander Kooi, Jr.
Julia Workman
Linda Brobeck
George Sutton

BOARD OF SCHOOL ADMINISTRATORS

Daniel Naidicz
Louise Sundin

BOARD OF TEACHING

John Bellingham
Mary Clardy
Lesa Covington Clarkson
Lee-Ann Stephens
Erin Azer
Diane O'Brien

From the Committee on Environment and Natural Resources Policy and Legacy Finance, to which were referred the following appointments as reported in the Journal for January 5, 2017:

LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES
Nancy Gibson

MINNESOTA ENVIRONMENTAL QUALITY BOARD
Tom Moibi

From the Committee on Health and Human Services Finance and Policy, to which were referred the following appointments as reported in the Journal for January 5, 2017:

EMERGENCY MEDICAL SERVICES REGULATORY BOARD

Kevin Miller
John Pate
Jill Ryan Schultz
Matthew Simpson
Lisa Brodsky
Aaron Burnett
Elizabeth Consie
Steve DuChien
Paula Fink Kocken

MNSURE BOARD

Martha Eaves
Edgardo Rodriguez
Lauren Gilchrist
Kathy Sheran

From the Committee on Higher Education Finance and Policy, to which were referred the following appointments as reported in the Journal for January 5, 2017:

BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES

Basil Ajuo
Amanda Fredlund
Jerry Janezich
Rodolfo Rodriguez
Cheryl Tefer
Michael Vekich
Roger Moe

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY

Mary F. Ives
Raymond VinZant

From the Committee on Jobs and Economic Growth Finance and Policy, to which were referred the following appointments as reported in the Journal for January 5, 2017:

BOARD OF ELECTRICITY

David Curtis
Laura Karow
Scott Novotny
Joseph S. Vespa
David Westberg
Weston Wilson

BOARD OF HIGH PRESSURE PIPING SYSTEMS

James J. Andrie
Timothy Daugherty
Vicki Sandberg
Russell Scherber
Larry Stevens, Jr.

PLUMBING BOARD

Joseph Beckel
Grant Edwards
Michael Herman
Lawrence Justin
John A. Parizek
Henry Gretsfield

From the Committee on Judiciary and Public Safety Finance and Policy, to which was referred the following appointment as reported in the Journal for January 5, 2017:

BOARD ON JUDICIAL STANDARDS

Timothy Gephart

From the Committee on State Government Finance and Policy and Elections, to which were referred the following appointments as reported in the Journal for January 5, 2017:

BOARD OF THE ARTS

Uri Camarena
Michael Charron
Rebecca Davis
Chris Widdess

GAMBLING CONTROL BOARD

William B. Goede
James Nardone

MINNESOTA RACING COMMISSION

Jerry Bell
Barbara Colombo
James Sargent Lane, III

Sincerely,
Cal R. Ludeman
Secretary of the Senate

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 Senate File No. 1456, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1456: A bill for an act relating to economic development; temporarily modifying the restrictions on use of Minnesota investment fund local government loan repayment funds.

Senate File No. 1456 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 22, 2017

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Housley, Kent, Wiklund, Ruud, and Kiffmeyer introduced--

S.F. No. 2430: A bill for an act relating to business organizations; addressing the publication of a natural person's home address; amending Minnesota Statutes 2016, sections 5.34; 5.36, by adding a subdivision.

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

Senators Frentz, Clausen, Torres Ray, and Newton introduced--

S.F. No. 2431: A bill for an act relating to higher education; automatically funding public higher education systems from a general fund balance if the legislature does not fulfill its postsecondary funding policy; amending Minnesota Statutes 2016, sections 16A.152, subdivisions 1b, 2, by adding a subdivision; 135A.01.

Referred to the Committee on Higher Education Finance and Policy.

Senators Frentz, Clausen, Torres Ray, and Newton introduced--

S.F. No. 2432: A bill for an act relating to higher education; establishing a higher education account automatically funded by a general fund balance if the legislature does not fulfill its postsecondary funding policy; amending Minnesota Statutes 2016, section 16A.152, subdivisions 1b, 2, by adding a subdivision.

Referred to the Committee on Higher Education Finance and Policy.

Senators Eaton and Klein introduced--

S.F. No. 2433: A bill for an act relating to health; authorizing the commissioner of health to use money in a public health response contingency account for certain purposes; establishing the account; transferring money; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services Finance and Policy.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Simonson moved that the names of Senators Ingebrigtsen and Draheim be added as co-authors to S.F. No. 126. The motion prevailed.

Senator Dziedzic moved that the name of Senator Frentz be added as a co-author to S.F. No. 2348. The motion prevailed.

Senator Benson introduced --

Senate Resolution No. 119: A Senate resolution recognizing May 7-13, 2017, as the Week of the Family Child Care Provider.

Referred to the Committee on Rules and Administration.

Senator Schoen introduced --

Senate Resolution No. 120: A Senate resolution honoring Their Moving Company on the occasion of its 125th anniversary.

Referred to the Committee on Rules and Administration.

Senator Schoen introduced --

Senate Resolution No. 121: A Senate resolution honoring Mike Dandl on being named Cottage Grove Firefighter of the Year.

Referred to the Committee on Rules and Administration.

RECESS

Senator Limmer 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.

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

MESSAGES FROM THE HOUSE

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. 470, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 470 is herewith transmitted to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 22, 2017

CONFERENCE COMMITTEE REPORT ON H. F. No. 470

A bill for an act relating to public safety; creating the crime of tampering with a public safety motor vehicle; establishing criminal penalties; amending Minnesota Statutes 2016, section 609.595, subdivisions 1, 2, by adding a subdivision.

May 22, 2017

The Honorable Kurt L. Daudt
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 470 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 470 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1**APPROPRIATIONS****Section 1. APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2018" and "2019" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively. "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium" is fiscal years 2018 and 2019. Appropriations for the fiscal year ending June 30, 2017, are effective the day following final enactment.

	<u>APPROPRIATIONS</u> <u>Available for the Year</u> <u>Ending June 30</u>	
<u>2017</u>	<u>2018</u>	<u>2019</u>
Sec. 2. <u>SUPREME COURT</u>		
Subdivision 1. <u>Total Appropriation</u>	\$ <u>51,036,000</u>	\$ <u>53,419,000</u>
<u>The amounts that may be spent for each purpose are specified in the following subdivisions.</u>		
Subd. 2. <u>Supreme Court Operations</u>	<u>37,316,000</u>	<u>39,699,000</u>
(a) <u>Contingent Account</u>		
<u>\$5,000 each year is for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.</u>		
(b) <u>Judges' Compensation</u>		
<u>Judges' compensation is increased by two and one-half percent each year.</u>		
(c) <u>Harassment Restraining Orders</u>		
<u>\$993,000 the second year is to implement the changes related to harassment restraining orders required in article 3. The base for this activity is \$993,000 in fiscal years 2020 and 2021, and \$0 in fiscal year 2022 and thereafter.</u>		
(d) <u>Information Security and Risk Management</u>		
<u>\$984,000 each year is for an information security and risk management program.</u>		
Subd. 3. <u>Civil Legal Services</u>	<u>13,720,000</u>	<u>13,720,000</u>
<u>Legal Services to Low-Income Clients in Family Law Matters.</u> <u>\$948,000 each year is to improve the access of low-income clients to legal representation in family law matters. This appropriation must be distributed under Minnesota Statutes, section</u>		

Sec. 6. **TAX COURT** \$ **1,679,000** \$ **1,676,000**

\$256,000 each year is for a case management system.

Sec. 7. **UNIFORM LAWS COMMISSION** \$ **93,000** \$ **93,000**

Sec. 8. **BOARD ON JUDICIAL STANDARDS** \$ **486,000** \$ **486,000**

Major Disciplinary Actions. \$125,000 each year is for special investigative and hearing costs for major disciplinary actions undertaken by the board. This appropriation does not cancel. Any unencumbered and unspent balances remain available for these expenditures until June 30, 2021.

Sec. 9. **BOARD OF PUBLIC DEFENSE** \$ **85,949,000** \$ **88,310,000**

New Attorneys

\$500,000 the first year and \$1,000,000 the second year are for additional public defenders.

Sec. 10. **SENTENCING GUIDELINES** \$ **655,000** \$ **669,000**

Sec. 11. **PUBLIC SAFETY**

Subdivision 1. **Total Appropriation** \$ **195,084,000** \$ **195,381,000**

Appropriations by Fund

	<u>2018</u>	<u>2019</u>
<u>General</u>	<u>101,775,000</u>	<u>101,853,000</u>
<u>Special Revenue</u>	<u>13,572,000</u>	<u>13,712,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>
<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>
<u>Trunk Highway</u>	<u>2,374,000</u>	<u>2,419,000</u>
<u>911 Fund</u>	<u>77,187,000</u>	<u>77,221,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Emergency Management** 5,575,000 4,232,000

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>3,977,000</u>	<u>2,634,000</u>
<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>
<u>Special Revenue Fund</u>	<u>1,525,000</u>	<u>1,525,000</u>

(a) Hazmat and Chemical Assessment Teams

\$850,000 each year is from the fire safety account in the special revenue fund. These amounts must be used to fund the hazardous materials and chemical assessment teams. Of this amount, \$100,000 the first year is for cases for which there is no identified responsible party.

(b) Emergency Response Teams

\$675,000 each year is from the fire safety account in the special revenue fund to maintain four emergency response teams: one under the jurisdiction of the St. Cloud Fire Department or a similarly located fire department if necessary; one under the jurisdiction of the Duluth Fire Department; one under the jurisdiction of the St. Paul Fire Department; and one under the jurisdiction of the Moorhead Fire Department. The commissioner must allocate the appropriation as follows: (1) \$225,000 each year to the St. Cloud Fire Department; (2) \$225,000 each year to the Duluth Fire Department; (3) \$125,000 each year to the St. Paul Fire Department; and (4) \$100,000 each year to the Moorhead Fire Department. These are onetime appropriations.

(c) Roseau County Disaster Reimbursement

\$1,250,000 the first year is from the general fund for distribution to Roseau County for reimbursement of costs to repair public infrastructure damaged by the 1999 and 2002 floods.

(d) Supplemental Nonprofit Security Grants

\$150,000 the first year is from the general fund for supplemental nonprofit security grants under this paragraph.

Nonprofit organizations whose applications for funding through the Federal Emergency Management Agency's nonprofit security grant program have been approved by the Division of Homeland Security and Emergency Management are eligible for grants under this paragraph. No additional application shall be required for grants under this paragraph, and an application for a grant from the federal program is also an application for funding from the state supplemental program.

Eligible organizations may receive grants of up to \$75,000, except that the total received by any individual from both the federal nonprofit security grant program and the state supplemental nonprofit security grant program shall not exceed \$75,000. Grants shall be awarded in an order consistent with the ranking given to applicants for the federal nonprofit security grant program. No grants under the state supplemental nonprofit security grant program shall be awarded until the announcement of the recipients and the amount of the grants awarded under the federal nonprofit security grant program.

The commissioner may use up to one percent of the appropriation received under this paragraph to pay costs incurred by the department in administering the supplemental nonprofit security grant program.

(e) Bomb Squad Reimbursements

\$50,000 each year is from the general fund for reimbursements to local governments for bomb squad services.

<u>Subd. 3. Criminal Apprehension</u>	<u>58,778,000</u>	<u>59,738,000</u>
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	<u>Appropriations by Fund</u>	
<u>General</u>	<u>56,397,000</u>	<u>57,312,000</u>

<u>State Government</u>		
<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
<u>Trunk Highway</u>	<u>2,374,000</u>	<u>2,419,000</u>

(a) DWI Lab Analysis; Trunk Highway Fund

Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, \$2,374,000 the first year and \$2,419,000 the second year are from the trunk highway fund for laboratory analysis related to driving-while-impaired cases.

(b) Predatory Registration System

\$2,100,000 the first year and \$2,000,000 the second year are to be used to build the predatory registration system. This appropriation is available until June 30, 2020. The base for fiscal year 2020 and thereafter is \$400,000 to maintain the system.

(c) BCA Investment Initiative

\$1,331,000 the first year and \$1,332,000 the second year are:

- (1) for additional firearms examiners;
- (2) for additional staff in the drug chemistry lab;
- (3) for criminal investigators; and
- (4) for maintenance of the criminal history system.

(d) Harassment Restraining Orders

\$169,000 the second year is for the Bureau of Criminal Apprehension to implement the changes related to harassment restraining orders required in article 3. The base for this activity is \$47,000 in fiscal year 2020 and thereafter.

<u>Subd. 4. Fire Marshal</u>	<u>6,274,000</u>	<u>6,408,000</u>
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	<u>Appropriations by Fund</u>	
<u>Special Revenue</u>	<u>6,274,000</u>	<u>6,408,000</u>

The special revenue fund appropriation is from the fire safety account in the special revenue fund and is for activities under Minnesota Statutes, section 299F.012.

Inspections

\$300,000 each year is for inspection of nursing homes and boarding care facilities.

Subd. 5. **Firefighter Training and Education Board** 5,015,000 5,015,000

Appropriations by Fund

Special Revenue 5,015,000 5,015,000

The special revenue fund appropriation is from the fire safety account in the special revenue fund and is for activities under Minnesota Statutes, section 299F.012.

(a) Firefighter Training and Education

\$4,265,000 each year is for firefighter training and education.

(b) Task Force 1

\$500,000 each year is for the Minnesota Task Force 1.

(c) Air Rescue

\$250,000 each year is for the Minnesota Air Rescue Team.

(d) Unappropriated Revenue

Any additional unappropriated money collected in fiscal year 2017 is appropriated to the commissioner of public safety for the purposes of Minnesota Statutes, section 299F.012. The commissioner may transfer appropriations and base amounts between activities in this subdivision.

Subd. 6. **Alcohol and Gambling Enforcement** 2,675,000 2,731,000

Appropriations by Fund

General 1,917,000 1,967,000

Special Revenue 758,000 764,000

\$688,000 the first year and \$694,000 the second year are from the alcohol enforcement account in the special revenue fund. Of this appropriation, \$500,000 each year shall be transferred to the general fund.

\$70,000 each year is from the lawful gambling regulation account in the special revenue fund.

Field Agents

\$180,000 each year is from the general fund for field agents.

Subd. 7. <u>Office of Justice Programs</u>	<u>39,580,000</u>	<u>40,036,000</u>
<u>Appropriations by Fund</u>		
<u>General</u>	<u>39,484,000</u>	<u>39,940,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

(a) OJP Administration Costs

Up to 2.5 percent of the grant funds appropriated in this subdivision may be used by the commissioner to administer the grant program.

(b) Combating Terrorism Recruitment

\$250,000 each year is for grants to local law enforcement agencies to develop strategies and make efforts to combat the recruitment of Minnesota residents by terrorist organizations such as ISIS and al-Shabaab. This is a onetime appropriation.

(c) Sex Trafficking Prevention Grants

\$180,000 each year is for grants to state and local units of government for the following purposes:

(1) to support new or existing multijurisdictional entities to investigate sex trafficking crimes; and

(2) to provide technical assistance, including training and case consultation, to law enforcement agencies statewide.

(d) Pathway to Policing Reimbursement Grants

\$400,000 the second year is for reimbursement grants to local units of government that operate pathway to policing programs intended to bring persons with nontraditional backgrounds into law enforcement. Applicants for reimbursement grants may receive up to 50 percent of the cost of compensating and training pathway to policing participants. Reimbursement grants shall be proportionally allocated based on the number of grant applications approved by the commissioner.

Subd. 8. Emergency Communication Networks77,187,00077,221,000

This appropriation is from the state government special revenue fund for 911 emergency telecommunications services.

This appropriation includes funds for information technology project services and support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing information technology costs will be incorporated into the service level agreement and will be paid to the Office of MN.IT Services by the Department of Public Safety under the rates and mechanism specified in that agreement.

(a) Public Safety Answering Points

\$13,664,000 each year is to be distributed as provided in Minnesota Statutes, section 403.113, subdivision 2.

(b) Medical Resource Communication Centers

\$683,000 each year is for grants to the Minnesota Emergency Medical Services Regulatory Board for the Metro East and Metro West Medical Resource Communication Centers that were in operation before January 1, 2000.

(c) ARMER Debt Service

\$23,261,000 each year is to the commissioner of management and budget to pay debt service on revenue bonds issued under Minnesota Statutes, section 403.275.

Any portion of this appropriation not needed to pay debt service in a fiscal year may be used by the commissioner of public safety to pay cash for any of the capital improvements for which bond proceeds were appropriated by Laws 2005, chapter 136, article 1, section 9, subdivision 8; or Laws 2007, chapter 54, article 1, section 10, subdivision 8.

(d) ARMER State Backbone Operating Costs

\$9,650,000 each year is to the commissioner of transportation for costs of maintaining and operating the statewide radio system backbone.

(e) ARMER Improvements

\$1,000,000 each year is to the Statewide Emergency Communications Board for improvements to those elements of the statewide public safety radio and communication system that support mutual aid communications and emergency medical services or provide interim enhancement of public safety communication interoperability in those areas of the state where the statewide public safety radio and communication system is not yet implemented, and grants to local units of government to further the strategic goals set forth by the Statewide Emergency Communications Board strategic plan.

Sec. 12. PEACE OFFICER STANDARDS AND TRAINING (POST) BOARD

<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>10,144,000</u>	<u>\$</u>	<u>10,156,000</u>
<u>Appropriations by Fund</u>				
	<u>2018</u>			<u>2019</u>

<u>General</u>	<u>6,000,000</u>	<u>6,000,000</u>
<u>Special Revenue</u>	<u>4,144,000</u>	<u>4,156,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Excess Amounts Transferred

The special revenue fund appropriation is from the peace officer training account. Any new receipts credited to that account in the first year in excess of \$4,144,000 must be transferred and credited to the general fund. Any new receipts credited to that account in the second year in excess of \$4,156,000 must be transferred and credited to the general fund.

Subd. 3. Peace Officer Training Reimbursements

\$2,859,000 each year is from the peace officer training account in the special revenue fund for reimbursements to local governments for peace officer training costs.

Subd. 4. Peace Officer Training Assistance

\$6,000,000 each year is from the general fund to support and strengthen law enforcement training and implement best practices. The base for this activity is \$6,000,000 in fiscal years 2020 and 2021, and \$0 in fiscal year 2022 and thereafter.

Subd. 5. De-escalation Training

\$100,000 each year is from the peace officer training account in the special revenue fund for training state and local community safety personnel in the use of crisis de-escalation techniques. When selecting a service provider for this training, the board may consult with any postsecondary institution, any state or local governmental official, or any nongovernmental authority the board determines to be relevant. Among any other criteria the board may establish, the training provider must have a demonstrated understanding of the transitions and

challenges that veterans may experience during their re-entry into society following combat service. The board must ensure that training opportunities provided are reasonably distributed statewide.

Sec. 13. <u>PRIVATE DETECTIVE BOARD</u>	<u>\$</u>	<u>191,000</u>	<u>\$</u>	<u>192,000</u>
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Sec. 14. **CORRECTIONS**

Subdivision 1. **Total**

<u>Appropriation</u>	<u>\$</u>	<u>9,200,000</u>	<u>\$</u>	<u>585,142,000</u>	<u>\$</u>	<u>585,143,000</u>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Correctional**

<u>Institutions</u>	<u>9,200,000</u>	<u>427,891,000</u>	<u>426,867,000</u>
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(a) **Offender Health Care**

\$9,200,000 in fiscal year 2017 is to fund a deficiency in the base budget for the offender health care contract.

\$11,400,000 the first year is for the offender health care contract.

Prior to entering into a new health care contract, the commissioner must identify and directly solicit bids from at least five health care organizations that provide, or are willing to provide, health care to prison inmates. In the department's next report required under Minnesota Statutes, section 241.016, after entering a new health care contract, the commissioner shall:

(1) provide the names and a summary of each bid proposal from the health care organizations that submitted a proposal to provide health care to state inmates; and

(2) explain, in detail, why the commissioner selected the chosen provider.

The base for increased offender health care is \$5,628,000 in fiscal year 2020 and thereafter.

(b) Federal Prison Rape Elimination Act

\$500,000 the first year and \$631,000 the second year are to comply with requirements of the federal Prison Rape Elimination Act. The commissioner must limit the number of juveniles accepted at MCF-Red Wing so that the staffing-to-offender ratio at the facility complies with the act.

(c) Operational Costs

\$2,150,000 each year is to increase the relevant base budgets for operational costs including offender food, plant operations, and lease of space.

(d) Critical Technology

\$2,969,000 each year is to support critical technology needs.

Subd. 3. Community Services

129,498,000

130,218,000

(a) DOC Supervision Services

\$696,000 each year is for Department of Corrections probation and supervised release agents.

(b) Community Corrections Act

\$2,100,000 each year is added to the Community Corrections Act subsidy, as described in Minnesota Statutes, section 401.14.

(c) County Probation Officer Reimbursement

\$230,000 each year is added to the county probation officers reimbursement, as described in Minnesota Statutes, section 244.19, subdivision 6.

(d) Alternatives to Incarceration Pilot Program Fund

\$160,000 each year is to fund grants to facilitate access to community treatment options under article 3, section 30.

(e) Critical Technology Needs

\$345,000 each year is to support critical technology needs.

Subd. 4. Operations Support

27,753,000

28,058,000

Technology Needs

\$1,638,000 each year is to support technology needs.

Sec. 15. TRANSFER; DISASTER ASSISTANCE CONTINGENCY ACCOUNT.

(a) If the fiscal year 2017 final closing balance in the general fund exceeds the closing balance projected at the end of the 2017 legislative session by at least \$10,000,000, the commissioner of management and budget must transfer \$10,000,000 from the general fund to the disaster assistance contingency account established under Minnesota Statutes, section 12.221, subdivision 6.

(b) If the fiscal year 2017 final closing balance in the general fund exceeds the closing balance projected at the end of the 2017 legislative session by less than \$10,000,000, the commissioner of management and budget must transfer an amount equal to the difference between the fiscal year 2017 final closing balance and the closing balance projected at the end of the 2017 legislative session from the general fund to the disaster assistance contingency account established under Minnesota Statutes, section 12.221, subdivision 6.

(c) If a transfer is required under this section, the transfer must be completed before September 30, 2017.

ARTICLE 2

COURTS

Section 1. Minnesota Statutes 2016, section 2.722, subdivision 1, is amended to read:

Subdivision 1. **Description.** Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; 36 judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; 26 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; 23 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; 60 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; 16 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; 15 judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; ~~28~~ 29 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnommen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; ~~23~~ 24 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls; and

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; 45 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places designated by the chief judge of the district.

Sec. 2. Minnesota Statutes 2016, section 13.69, subdivision 1, is amended to read:

Subdivision 1. **Classifications.** (a) The following government data of the Department of Public Safety are private data:

(1) medical data on driving instructors, licensed drivers, and applicants for parking certificates and special license plates issued to physically disabled persons;

(2) other data on holders of a disability certificate under section 169.345, except that (i) data that are not medical data may be released to law enforcement agencies, and (ii) data necessary for enforcement of sections 169.345 and 169.346 may be released to parking enforcement employees or parking enforcement agents of statutory or home rule charter cities and towns;

(3) Social Security numbers in driver's license and motor vehicle registration records, except that Social Security numbers must be provided to the Department of Revenue for purposes of tax administration, the Department of Labor and Industry for purposes of workers' compensation administration and enforcement, the judicial branch for purposes of debt collection, and the Department of Natural Resources for purposes of license application administration; and

(4) data on persons listed as standby or temporary custodians under section 171.07, subdivision 11, except that the data must be released to:

(i) law enforcement agencies for the purpose of verifying that an individual is a designated caregiver; or

(ii) law enforcement agencies who state that the license holder is unable to communicate at that time and that the information is necessary for notifying the designated caregiver of the need to care for a child of the license holder.

The department may release the Social Security number only as provided in clause (3) and must not sell or otherwise provide individual Social Security numbers or lists of Social Security numbers for any other purpose.

(b) The following government data of the Department of Public Safety are confidential data: data concerning an individual's driving ability when that data is received from a member of the individual's family.

Sec. 3. [134A.17] TRANSFERS TO COUNTY.

If the Sherburne County Law Library, through its trustees, has a fiscal reserve that is projected to sustain its operations for a period of over five years, the Sherburne County Law Library may transfer up to half of the money in its fiscal reserve, but not to exceed \$200,000, to Sherburne County to defray costs of constructing a new building to house the law library and courts.

Sec. 4. Minnesota Statutes 2016, section 243.49, is amended to read:

243.49 COMMITMENT PAPERS; DUTY OF COURT ADMINISTRATOR.

Upon a plea of guilty or finding of guilty after trial, the court administrator of every court which sentences a defendant for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of the workhouse or work farm, shall provide the officer or person having custody of the defendant a certified record for commitment, including ~~(1) a copy of the indictment and plea, (2) a transcript of the sentencing proceedings, with the date thereof, together with the defendant's statement under oath, if obtained, as to the defendant's true name, residence, if any, the date and place of birth, the names and addresses of parents and other relatives and of employers and others who know the defendant well, social and other affiliations, past occupations and employments, former places of residence and the period of time and the dates the defendant has resided in each, citizenship, the number, dates, places and causes of any prior convictions, and (3) if the person pleaded guilty, a transcript of the sentencing proceedings.~~ The record shall also include the trial judge's impressions of the defendant's mental and physical condition, general character, capacity, disposition, habits and special needs. ~~The court reporter shall provide the required transcripts.~~ The certified record for commitment may be used as evidence in any postconviction proceeding brought by the defendant. The court administrator shall also deliver to the sheriff or other officer or person conveying the defendant to the correctional facility, workhouse, or work farm designated by the commissioner of corrections or the judge a warrant of commitment together with a certified copy of the warrant directing the conveyor to deliver the person and the certified record for commitment to the principal officer in charge of the correctional facility, workhouse, or work farm. Upon the delivery of any person, the principal officer in charge of the correctional facility, workhouse, or work farm shall keep the certified copy of the warrant of commitment and endorse the principal officer's receipt upon the original, which shall be filed with the sentencing

court. The court administrator shall retain ~~one copy of the required transcripts, and a tape recording~~ and the court reporter's notes of all ~~other~~ proceedings.

Sec. 5. Minnesota Statutes 2016, section 271.21, subdivision 2, is amended to read:

Subd. 2. **Jurisdiction.** At the election of the taxpayer, the Small Claims Division shall have jurisdiction only in the following matters:

(a) cases involving valuation, assessment, or taxation of real or personal property, if:

(i) the issue is a denial of a current year application for the homestead classification for the taxpayer's property;

(ii) only one parcel is included in the petition, the entire parcel is classified as homestead class 1a or 1b under section 273.13, and the parcel contains no more than one dwelling unit;

(iii) the entire property is classified as agricultural homestead class 2a or 1b under section 273.13; or

(iv) the assessor's estimated market value of the property included in the petition is less than \$300,000; or

(b) any case not involving valuation, assessment, or taxation of real and personal property in which the amount in controversy does not exceed ~~\$5,000~~ \$15,000, including penalty and interest.

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

Sec. 6. Minnesota Statutes 2016, section 299A.707, subdivision 2, is amended to read:

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

Sec. 7. Minnesota Statutes 2016, section 357.42, is amended to read:

357.42 DRUG TREATMENT COURT FEES.

(a) When a court establishes a drug treatment court process, the court may establish one or more fees for services provided to defendants participating in the process.

(b) In each fiscal year, the court shall deposit the drug treatment court participation fees in the special revenue fund and credit the fees to a separate account for the trial courts. The balance in this account is appropriated to the trial courts and does not cancel but is available until expended. Expenditures from this account must be made for drug treatment court purposes.

Sec. 8. Minnesota Statutes 2016, section 358.116, is amended to read:

358.116 COURT DOCUMENTS.

Unless specifically required by court rule, a pleading, motion, affidavit, or other document filed with a court of the Minnesota judicial branch, or presented to a judge or judicial officer in support of a request for a court order, warrant, or other relief, is not required to be notarized. Signing a document filed with the court or presented to a judge or judicial officer constitutes "verification upon oath or affirmation" as defined in section 358.41, clause (3), without administration of an oath under section 358.07, provided that the signature, as defined by court rules, is affixed immediately below a declaration using substantially the following language: "I declare under penalty of perjury that everything I have stated in this document is true and correct." In addition to the signature, the date of signing and the county and state where the document was signed shall be noted on the document. A person who signs knowing that the document is false in any material respect is guilty of perjury under section 609.48, even if the date, county, and state of signing are omitted from the document.

Sec. 9. Minnesota Statutes 2016, section 480.242, subdivision 2, is amended to read:

Subd. 2. Review of applications; selection of recipients. At times and in accordance with any procedures as the Supreme Court adopts in the form of court rules, applications for the expenditure of civil legal services funds shall be accepted from qualified legal services programs or from local government agencies and nonprofit organizations seeking to establish qualified alternative dispute resolution programs. The applications shall be reviewed by the advisory committee, and the advisory committee, subject to review by the Supreme Court, shall distribute the funds available for this expenditure to qualified legal services programs or to qualified alternative dispute resolution programs submitting applications. The funds shall be distributed in accordance with the following formula:

(a) Eighty-five percent of the funds distributed shall be distributed to qualified legal services programs that have demonstrated an ability as of July 1, 1982, to provide legal services to persons unable to afford private counsel with funds provided by the federal Legal Services Corporation. The allocation of funds among the programs selected shall be based upon the number of persons with incomes below the poverty level established by the United States Census Bureau who reside in the geographical area served by each program, as determined by the Supreme Court on the basis of the most recent national census. All funds distributed pursuant to this clause shall be used for the provision of legal services in civil and farm legal assistance matters as prioritized by program boards of directors to eligible clients.

(b) Fifteen percent of the funds distributed may be distributed (1) to other qualified legal services programs for the provision of legal services in civil matters to eligible clients, including programs which organize members of the private bar to perform services and programs for qualified alternative dispute resolution, (2) to programs for training mediators operated by nonprofit alternative dispute resolution corporations, or (3) to qualified legal services programs to provide family farm legal assistance for financially distressed state farmers. The family farm legal assistance must be directed at farm financial problems including, but not limited to, liquidation of farm property including bankruptcy, farm foreclosure, repossession of farm assets, restructuring or discharge of farm debt, farm credit and general debtor-creditor relations, and tax considerations. If all the funds to be distributed pursuant to this clause cannot be distributed because of insufficient acceptable applications, the remaining funds shall be distributed pursuant to clause (a).

A person is eligible for legal assistance under this section if the person is an eligible client as defined in section 480.24, subdivision 2, or:

- (1) is a state resident;
- (2) is or has been a farmer or a family shareholder of a family farm corporation within the preceding 24 months;
- (3) has a debt-to-asset ratio greater than 50 percent; and
- ~~(4) has a reportable federal adjusted gross income of \$15,000 or less in the previous year; and~~
- ~~(5) is financially unable to retain legal representation~~ (4) satisfies the income eligibility guidelines established under section 480.243, subdivision 1.

Qualifying farmers and small business operators whose bank loans are held by the Federal Deposit Insurance Corporation are eligible for legal assistance under this section.

Sec. 10. Minnesota Statutes 2016, section 484.70, subdivision 7, is amended to read:

Subd. 7. **Referee duties.** The duties and powers of referees shall be as follows:

- (a) Hear and report all matters assigned by the chief judge.
- (b) Recommend findings of fact, conclusions of law, temporary and interim orders, and final orders for judgment.

All recommended orders and findings of a referee shall be subject to confirmation by a judge.

(c) Upon the conclusion of the hearing in each case, the referee shall transmit to a judge the court file together with recommended findings and orders in writing. The recommended findings and orders of a referee become the findings and orders of the court when confirmed by a judge. The order of the court shall be proof of such confirmation, and also of the fact that the matter was duly referred to the referees.

(d) Review of any recommended order or finding of a referee by a judge may be by notice served and filed within ten days of effective notice of the recommended order or finding. The notice of review shall specify the grounds for review and the specific provisions of the recommended findings or orders disputed, and the court, upon receipt of a notice of review, shall set a time and place for a review hearing.

(e) All orders and findings recommended by a referee become an effective order when countersigned by a judge and remain effective during the pendency of a review, including a remand to the referee, unless a judge:

- (1) expressly stays the effect of the order;
- (2) changes the order during the pendency of the review; or
- (3) changes or vacates the order upon completion of the review.

(f) Notwithstanding paragraphs (d) and (e), referee orders and decrees in probate or civil commitment court proceedings, if appealed, must be appealed directly to the Court of Appeals, in the same manner as judicial orders and decrees.

Sec. 11. Minnesota Statutes 2016, section 484.702, is amended by adding a subdivision to read:

Subd. 6. **Expedited child support process.** Hearings and proceedings conducted in the expedited child support process under this section may be reported by use of electronic recording equipment provided that the equipment meets the minimum standards established by the state court administrator. Electronic recording equipment must be operated and monitored by a person who meets the minimum qualifications established by the state court administrator.

Sec. 12. Minnesota Statutes 2016, section 486.05, subdivision 1, is amended to read:

Subdivision 1. **Salaries.** The salary for each court reporter shall be set ~~annually by the district administrator~~ as provided in judicial branch personnel policies and collective bargaining agreements within the range established under section 480.181 as provided in the judicial branch personnel rules.

Sec. 13. Minnesota Statutes 2016, section 486.06, is amended to read:

486.06 CHARGE FOR TRANSCRIPT.

~~In addition to the salary set in section 486.05, the court reporter may charge for a transcript of a record ordered by any person other than the judge 50 cents per original folio thereof and ten cents per folio for each manifold or other copy thereof when so ordered that it can be made with the original transcript. The chief judge of the judicial district may by order establish new transcript fee ceilings annually at a rate set by the chief justice.~~

A court reporter may impose a fee authorized under this section only if the transcript is delivered to the person who ordered it within a reasonable time after it was ordered.

Sec. 14. Minnesota Statutes 2016, section 518.179, subdivision 2, is amended to read:

Subd. 2. **Applicable crimes.** This section applies to the following crimes or similar crimes under the laws of the United States, or any other state:

- (1) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
- (2) manslaughter in the first degree under section 609.20;
- (3) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- (4) kidnapping under section 609.25;
- (5) depriving another of custodial or parental rights under section 609.26;
- (6) soliciting, inducing, promoting, or receiving profit derived from prostitution involving a minor under section 609.322;

- (7) criminal sexual conduct in the first degree under section 609.342;
- (8) criminal sexual conduct in the second degree under section 609.343;
- (9) criminal sexual conduct in the third degree under section 609.344, subdivision 1, paragraph (c), (f), or (g);
- (10) solicitation of a child to engage in sexual conduct under section 609.352;
- (11) incest under section 609.365;
- (12) malicious punishment of a child under section 609.377;
- (13) neglect of a child under section 609.378;
- (14) terroristic threats under section 609.713; ~~or~~
- (15) felony stalking under section 609.749, subdivision 4; or
- (16) domestic assault by strangulation under section 609.2247.

Sec. 15. Minnesota Statutes 2016, section 609.48, is amended by adding a subdivision to read:

Subd. 5. **Venue.** A violation of subdivision 1, clause (4), may be prosecuted in the county where the statement, under penalty of perjury, was signed, or the county of the district court in which the statement was filed.

Sec. 16. Minnesota Statutes 2016, section 609.748, subdivision 4, is amended to read:

Subd. 4. **Temporary restraining order; relief by court.** (a) The court may issue a temporary restraining order that provides any or all of the following:

- (1) orders the respondent to cease or avoid the harassment of another person; or
- (2) orders the respondent to have no contact with another person.

(b) The court may issue an order under paragraph (a) if the petitioner files a petition in compliance with subdivision 3 and if the court finds reasonable grounds to believe that the respondent has engaged in harassment. When a petition alleges harassment as defined by subdivision 1, paragraph (a), clause (1), the petition must further allege an immediate and present danger of harassment before the court may issue a temporary restraining order under this section. When signed by a referee, the temporary order becomes effective upon the referee's signature.

(c) Notice need not be given to the respondent before the court issues a temporary restraining order under this subdivision. A copy of the restraining order must be served on the respondent along with the order for hearing and petition, as provided in subdivision 3. If the respondent is a juvenile, whenever possible, a copy of the restraining order, along with notice of the pendency of the case and the time and place of the hearing, shall also be served by mail at the last known address upon any parent or guardian of the juvenile respondent who is not the petitioner. A temporary restraining order may be entered only against the respondent named in the petition.

(d) The temporary restraining order is in effect until a hearing is held on the issuance of a restraining order under subdivision 5. The court shall hold the hearing on the issuance of a restraining order if the petitioner requests a hearing. The hearing may be continued by the court upon a showing that the respondent has not been served with a copy of the temporary restraining order despite the exercise of due diligence or if service is made by published notice under subdivision 3 and the petitioner files the affidavit required under that subdivision.

(e) If the temporary restraining order has been issued and the respondent requests a hearing, the hearing shall be scheduled by the court upon receipt of the respondent's request. Service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The court shall serve the notice of the hearing upon the petitioner by mail in the manner provided in the Rules of Civil Procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time of the hearing to the respondent. In the event that service cannot be completed in time to give the respondent or petitioner the minimum notice required under this subdivision, the court may set a new hearing date.

(f) A request for a hearing under this subdivision must be made within ~~45~~ 20 days ~~after the temporary restraining order is issued~~ of the date of completed service of the petition.

Sec. 17. Minnesota Statutes 2016, section 631.52, subdivision 2, is amended to read:

Subd. 2. **Application.** Subdivision 1 applies to the following crimes or similar crimes under the laws of the United States or any other state:

- (1) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
- (2) manslaughter in the first degree under section 609.20;
- (3) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- (4) kidnapping under section 609.25;
- (5) depriving another of custodial or parental rights under section 609.26;
- (6) soliciting, inducing, promoting, or receiving profit derived from prostitution involving a minor under section 609.322;
- (7) criminal sexual conduct in the first degree under section 609.342;
- (8) criminal sexual conduct in the second degree under section 609.343;
- (9) criminal sexual conduct in the third degree under section 609.344, subdivision 1, paragraph (c), (f), or (g);
- (10) solicitation of a child to engage in sexual conduct under section 609.352;
- (11) incest under section 609.365;
- (12) malicious punishment of a child under section 609.377;

- (13) neglect of a child under section 609.378;
- (14) terroristic threats under section 609.713; ~~or~~
- (15) felony stalking under section 609.749; or
- (16) domestic assault by strangulation under section 609.2247.

Sec. 18. Minnesota Statutes 2016, section 634.36, is amended to read:

634.36 EVIDENCE OF VIDEOTAPES, AUDIOTAPES, OR OTHER RECORDINGS.

In any hearing or trial of a criminal offense or petty misdemeanor or proceeding pursuant to section 169A.53, subdivision 3, evidence of a videotape, audiotape, or electronic or digital recording prepared by a peace officer, using recording equipment in a law enforcement vehicle or on the officer's person, while in the performance of official duties shall not be excluded on the ground that a written transcript of the recording was not prepared and available at or prior to trial. As used in this section, "peace officer" has the meaning given in section 169A.03, subdivision 18.

EFFECTIVE DATE. This section is effective July 1, 2017, and applies to trials and hearings beginning on or after that date.

Sec. 19. **REPEALER.**

Minnesota Statutes 2016, sections 486.05, subdivision 1a; and 525.112, are repealed.

ARTICLE 3

CORRECTIONS AND PUBLIC SAFETY

Section 1. Minnesota Statutes 2016, section 3.739, subdivision 1, is amended to read:

Subdivision 1. **Permissible claims.** Claims and demands arising out of the circumstances described in this subdivision shall be presented to, heard, and determined as provided in subdivision 2:

(1) an injury to or death of an inmate of a state, regional, or local correctional facility or county jail ~~who has been conditionally released and ordered to perform~~ while performing compensated or uncompensated work in the community for a state agency, a political subdivision or public corporation of this state, a nonprofit educational, medical, or social service agency, or a private business or individual, ~~as a condition of the release,~~ while performing the work;

(2) an injury to or death of a person sentenced by a court, granted a suspended sentence by a court, or subject to a court disposition order, and who, ~~under court order,~~ is performing work ~~(a) (i)~~ (i) in restitution, (b) (ii) in lieu of or to work off fines or court-ordered, court-ordered costs, or other statutorily authorized correctional fees, (c) (iii) in lieu of incarceration, or (d) (iv) as a term or condition of a sentence, suspended sentence, or disposition order, while performing the work;

(3) an injury to or death of a person, who has been diverted from the court system and who is performing work as described in ~~paragraph~~ clause (1) or (2) under a written agreement signed by the person, and if a juvenile, by a parent or guardian; and

(4) an injury to or death of any person caused by an individual who was performing work as described in ~~paragraph~~ clause (1), (2), or (3).

Sec. 2. Minnesota Statutes 2016, section 12.221, subdivision 6, is amended to read:

Subd. 6. **Disaster assistance contingency account; appropriation.** (a) A disaster assistance contingency account is created in the special revenue fund in the state treasury. Money in the disaster assistance contingency account is appropriated to the commissioner of public safety to provide:

(1) cost-share for federal assistance under section 12A.15, subdivision 1;

(2) state public disaster assistance to eligible applicants under chapter 12B;

(3) cost-share for federal assistance from the Federal Highway Administration emergency relief program under United States Code, title 23, section 125; and

(4) cost-share for federal assistance from the United States Department of Agriculture, Natural Resources Conservation Service emergency watershed protection program under United States Code, title 16, sections 2203 to 2205.

(b) For appropriations under paragraph (a), clause (1), the amount appropriated is 100 percent of any nonfederal share for state agencies ~~and~~, local governments, and utility cooperatives. Money appropriated under paragraph (a), clause (1), may be used to pay all or a portion of the nonfederal share for publicly owned capital improvement projects.

(c) For appropriations under paragraph (a), clause (2), the amount appropriated is the amount required to pay eligible claims under chapter 12B, as certified by the commissioner of public safety.

(d) By January 15 of each year, the commissioner of management and budget shall submit a report to the chairs and ranking minority members of the house of representatives Ways and Means Committee and the senate Finance Committee detailing state disaster assistance appropriations and expenditures under this subdivision during the previous calendar year.

(e) The governor's budget proposal submitted to the legislature under section 16A.11 must include recommended appropriations to the disaster assistance contingency account. The governor's appropriation recommendations must be informed by the commissioner of public safety's estimate of the amount of money that will be necessary to:

(1) provide 100 percent of the nonfederal share for state agencies ~~and~~, local governments, and utility cooperatives that will receive federal financial assistance from FEMA during the next biennium; and

(2) fully pay all eligible claims under chapter 12B.

(f) Notwithstanding section 16A.28:

(1) funds appropriated or transferred to the disaster assistance contingency account do not lapse but remain in the account until appropriated; and

(2) funds appropriated from the disaster assistance contingency account do not lapse and are available until expended.

Sec. 3. Minnesota Statutes 2016, section 12B.15, subdivision 2, is amended to read:

Subd. 2. **Applicant.** "Applicant" means a local government ~~or~~ state government agency, or utility cooperative that applies for state disaster assistance under this chapter.

Sec. 4. Minnesota Statutes 2016, section 152.105, is amended to read:

152.105 DISPOSAL.

Subdivision 1. **Disposal of controlled substances.** Controlled substances listed in section 152.02, subdivisions 3 to 6, may be collected and disposed of only pursuant to the provisions of Code of Federal Regulations, title 21, parts 1300, 1301, 1304, 1305, 1307, and 1317, that are applicable to the disposal of controlled substances. Disposal of controlled substances and legend and nonlegend drugs must also comply with the requirements of section 116.07 governing the disposal of hazardous waste, and the rules promulgated thereunder.

Subd. 2. **Sheriff to maintain collection receptacle.** The sheriff of each county shall maintain or contract for the maintenance of at least one collection receptacle for the disposal of noncontrolled substances, pharmaceutical controlled substances, and other legend drugs, as permitted by federal law. For purposes of this section, "legend drug" has the meaning given in section 151.01, subdivision 17. The collection receptacle must comply with federal law. In maintaining and operating the collection receptacle, the sheriff shall follow all applicable provisions of Code of Federal Regulations, title 21, parts 1300, 1301, 1304, 1305, 1307, and 1317, as amended through May 1, 2017.

Sec. 5. Minnesota Statutes 2016, section 171.015, is amended by adding a subdivision to read:

Subd. 7. **Rulemaking limitation.** (a) Notwithstanding any law to the contrary, the commissioner is prohibited from adopting any final rule that amends, conflicts with, or has the effect of modifying requirements in Minnesota Rules, parts 7410.0100 to 7410.0800.

(b) This subdivision does not constitute authorization for the commissioner to adopt rules absent authority otherwise provided by other law.

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

Sec. 6. Minnesota Statutes 2016, section 243.05, subdivision 1, is amended to read:

Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole any person sentenced to confinement in any state correctional facility for adults under the control of the commissioner of corrections, provided that:

(1) no inmate serving a life sentence for committing murder before May 1, 1980, other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted

of a felony shall be paroled without having served 20 years, less the diminution that would have been allowed for good conduct had the sentence been for 20 years;

(2) no inmate serving a life sentence for committing murder before May 1, 1980, who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled without having served 25 years, less the diminution which would have been allowed for good conduct had the sentence been for 25 years;

(3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

(4) any new rule or policy or change of rule or policy adopted by the commissioner of corrections which has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to persons committing offenses after the effective date of the new rule or policy or change.

(b) Upon being paroled and released, an inmate is and remains in the legal custody and under the control of the commissioner, subject at any time to be returned to a facility of the Department of Corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by the commissioner.

(c) The written order of the commissioner of corrections, is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on parole or supervised release. In addition, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without order of warrant, take and detain a parolee or person on supervised release or work release and bring the person to the commissioner for action.

(d) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135. Additionally, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without an order, retake and detain a probationer and bring the probationer before the court for further proceedings under section 609.14.

(e) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to detain any person on pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(f) Persons conditionally released, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or outside the boundaries of the state at the discretion of the commissioner of corrections or the court, and the limits fixed for these persons may be enlarged or reduced according to their conduct.

(g) Except as otherwise provided in subdivision 1b, in considering applications for conditional release or discharge, the commissioner is not required to hear oral argument from any attorney or

other person not connected with an adult correctional facility of the Department of Corrections in favor of or against the parole or release of any inmates. The commissioner may institute inquiries by correspondence, taking testimony, or otherwise, as to the previous history, physical or mental condition, and character of the inmate and, to that end, has the authority to require the attendance of the chief executive officer of any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses. The commissioner is authorized to administer oaths to witnesses for these purposes.

(h) Unless the district court directs otherwise, state parole and probation agents may require a person who is under the supervision of the commissioner of corrections to perform community work service for violating a condition of probation imposed by the court. Community work service may be imposed for the purpose of protecting the public, to aid the offender's rehabilitation, or both. Agents may impose up to eight hours of community work service for each violation and up to a total of 24 hours per offender per 12-month period, beginning with the date on which community work service is first imposed. The commissioner may authorize an additional 40 hours of community work services, for a total of 64 hours per offender per 12-month period, beginning with the date on which community work service is first imposed. At the time community work service is imposed, parole and probation agents are required to provide written notice to the offender that states:

- (1) the condition of probation that has been violated;
- (2) the number of hours of community work service imposed for the violation; and
- (3) the total number of hours of community work service imposed to date in the 12-month period.

An offender may challenge the imposition of community work service by filing a petition in district court. An offender must file the petition within five days of receiving written notice that community work service is being imposed. If the offender challenges the imposition of community work service, the state bears the burden of showing, by a preponderance of the evidence, that the imposition of community work service is reasonable under the circumstances.

Community work service includes sentencing to service.

(i) Prior to revoking a nonviolent controlled substance offender's parole or probation based on a technical violation, when the offender does not present a risk to the public and the offender is amenable to continued supervision in the community, a parole or probation agent must identify community options to address and correct the violation including, but not limited to, inpatient chemical dependency treatment. If a probation or parole agent determines that community options are appropriate, the agent shall seek to restructure the offender's terms of release to incorporate those options. If an offender on probation stipulates in writing to restructure the terms of release, a probation agent must forward a report to the district court containing:

- (1) the specific nature of the technical violation of probation;
- (2) the recommended restructure to the terms of probation; and
- (3) a copy of the offender's signed stipulation indicating that the offender consents to the restructuring of probation.

The recommended restructuring of probation becomes effective when confirmed by a judge. The order of the court shall be proof of such confirmation and amend the terms of the sentence imposed by the court under section 609.135. If a nonviolent controlled substance offender's parole or probation is revoked, the offender's agent must first attempt to place the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means any violation of a court order of probation or a condition of parole, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

Sec. 7. Minnesota Statutes 2016, section 243.17, subdivision 1, is amended to read:

Subdivision 1. **Allowed expenses.** The necessary expenses of sheriffs and other peace officers commissioner of management and budget shall pay out of the state treasury to the commissioner of corrections each fiscal year the amount necessary to offset expenses incurred in conveying to convey convicted persons and children adjudicated delinquent and committed to the custody of the commissioner of corrections to the appropriate adult or juvenile correctional facility as designated by the commissioner of corrections, including per diem and expenses of correctional officers, shall be allowed by the commissioner of management and budget and paid out of the state treasury. The commissioner of management and budget may allow and pay for the necessary expenses incurred by the sheriff, deputy, or other peace officer in going to and returning from the correctional facility and \$10 per day for each correctional officer. Not more than one correctional officer shall be allowed for one prisoner, but one additional correctional officer shall be allowed for every two additional prisoners. All bills shall be in writing, fully itemized, verified, and accompanied by the receipt of the chief executive officer of the facility for the delivery of the convicted or adjudicated persons, in a form prescribed by the commissioner of management and budget. The total amount of payments shall not exceed \$500,000 each fiscal year. Payments shall be made one or two times each fiscal year based on a fee schedule agreed to by the Department of Corrections and the Minnesota Sheriffs' Association.

Sec. 8. Minnesota Statutes 2016, section 244.05, subdivision 3, is amended to read:

Subd. 3. **Sanctions for violation.** If an inmate violates the conditions of the inmate's supervised release imposed by the commissioner, the commissioner may:

- (1) continue the inmate's supervised release term, with or without modifying or enlarging the conditions imposed on the inmate; or
- (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate period of time.

Prior to revoking a nonviolent controlled substance offender's supervised release based on a technical violation, when the offender does not present a risk to the public and the offender is amenable to continued supervision in the community, the commissioner must identify community options to address and correct the violation including, but not limited to, inpatient chemical dependency treatment. If the commissioner determines that community options are appropriate, the commissioner shall restructure the inmate's terms of release to incorporate those options. If a nonviolent controlled substance offender's supervised release is revoked, the offender's agent must first attempt to place the offender in a local jail. For purposes of this subdivision, "nonviolent

controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation of a condition of supervised release, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

The period of time for which a supervised release may be revoked may not exceed the period of time remaining in the inmate's sentence, except that if a sex offender is sentenced and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5, the period of time for which conditional release may be revoked may not exceed the balance of the conditional release term.

Sec. 9. Minnesota Statutes 2016, section 244.198, is amended by adding a subdivision to read:

Subd. 1a. **Alternatives to incarceration.** At a sanctions conference regarding a nonviolent controlled substance offender, when the offender does not present a risk to the public and the offender is amenable to continued supervision in the community, a probation agency must identify community options to address and correct the violation including, but not limited to, inpatient chemical dependency treatment. If the agency determines that community options are appropriate, the county probation officer shall recommend a sanction that incorporates those options. For purposes of this subdivision, "nonviolent controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5).

Sec. 10. Minnesota Statutes 2016, section 299A.55, subdivision 2, is amended to read:

Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety account is created in the special revenue fund. The account consists of funds collected under subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

(b) \$104,000 is annually appropriated from the railroad and pipeline safety account to the commissioner of the Pollution Control Agency for environmental protection activities related to railroad discharge preparedness under chapter 115E.

(c) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from the railroad and pipeline safety account to the commissioner of transportation for improving safety at railroad grade crossings.

(d) Following the appropriation in ~~paragraph~~ paragraphs (b) and (c), the remaining money in the account is annually appropriated to the commissioner of public safety for the purposes specified in subdivision 3.

Sec. 11. Minnesota Statutes 2016, section 299C.46, subdivision 6, is amended to read:

Subd. 6. **Orders for protection and no contact orders.** (a) As used in this subdivision, "no contact orders" include orders issued as pretrial orders under section 629.72, subdivision 2, orders under section 629.75, and orders issued as probationary or sentencing orders at the time of disposition in a criminal domestic abuse case.

(b) The data communications network must include orders for protection issued under section 518B.01 ~~and~~, harassment restraining orders, and no contact orders issued against adults and juveniles. A no contact order must be accompanied by a photograph of the offender for the purpose of

enforcement of the order, if a photograph is available and verified by the court to be an image of the defendant.

(c) Data from orders for protection, harassment restraining orders, or no contact orders and data entered by law enforcement to assist in the enforcement of those orders are classified as private data on individuals as defined in section 13.02, subdivision 12. Data about the offender can be shared with the victim for purposes of enforcement of the order.

Sec. 12. Minnesota Statutes 2016, section 609.14, is amended by adding a subdivision to read:

Subd. 2a. **Alternatives to incarceration.** (a) A probation agent must present the court with local options to address and correct the violation including, but not limited to, inpatient chemical dependency treatment when the defendant at a summary hearing provided by subdivision 2 is:

- (1) a nonviolent controlled substance offender;
- (2) subject to supervised probation;
- (3) appearing based on a technical violation; and
- (4) admitting or found to have violated any of the conditions of probation.

(b) For purposes of this subdivision, "nonviolent controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" has the meaning given in section 244.196, subdivision 6.

Sec. 13. Minnesota Statutes 2016, section 609.475, is amended to read:

609.475 IMPERSONATING OFFICER, A MILITARY SERVICE MEMBER, VETERAN, OR PUBLIC OFFICIAL.

Whoever falsely impersonates a ~~police or military officer~~ an active or reserve component military service member, veteran, or public official with intent to ~~mislead another into believing that the impersonator is actually such officer or official~~ wrongfully obtain money, property, or any other tangible benefit is guilty of a misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to crimes committed on or after that date.

Sec. 14. **[609.4751] IMPERSONATING A PEACE OFFICER.**

Subdivision 1. **Misdemeanor.** Whoever falsely impersonates a peace officer with intent to mislead another into believing that the impersonator is actually an officer is guilty of a misdemeanor.

Subd. 2. **Gross misdemeanor.** Whoever violates subdivision 1 while committing any of the following acts is guilty of a gross misdemeanor:

- (1) gaining access to a public building or government facility that is not open to the public;
- (2) without legal authority, directing or ordering another person to act or refrain from acting;

(3) violating section 169.64, subdivision 2, 3, or 4, or the siren provisions of section 169.68; or

(4) operating a motor vehicle marked:

(i) with the word or words "police," "patrolman," "sheriff," "deputy," "trooper," "state patrol," "conservation officer," "agent," or "marshal"; or

(ii) with any lettering, marking, or insignia, or colorable imitation thereof, including, but not limited to, stars, badges, or shields identifying the vehicle as a law enforcement vehicle, and which a reasonable person would believe is a law enforcement vehicle governed under section 169.98, subdivision 1.

Subd. 3. **Felony.** Whoever violates this section within five years of a previous violation of this section 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 \$4,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2016, 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 was a public safety motor vehicle, the defendant knew the vehicle was a public safety motor vehicle, and the damage to the vehicle caused a substantial interruption or impairment of public safety service or a reasonably foreseeable risk of bodily harm; or

(3) the property damaged belongs to a common carrier and the damage impairs the service to the public rendered by the carrier; or

~~(3)~~ (4) the damage reduces the value of the property by more than \$1,000 measured by the cost of repair and replacement; or

~~(4)~~ (5) the damage reduces the value of the property by more than \$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)~~ (4), 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, 2017, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2016, 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: (1) the damage reduces the value of the property by more than \$500 but not more than \$1,000 as measured by the cost of repair and replacement; or (2) the damage was to a public safety motor vehicle and the defendant knew the vehicle was a public safety motor vehicle.

(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 \$500.

(c) In any prosecution under paragraph (a), clause (1), 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, 2017, and applies to crimes committed on or after that date.

Sec. 17. Minnesota Statutes 2016, section 609.595, is amended by adding a subdivision to read:

Subd. 4. **Definitions.** (a) As used in this section, "public safety motor vehicle" includes:

(1) marked vehicles used by law enforcement agencies and specially marked vehicles permitted under section 169.98, subdivision 2a, owned or leased by the state or a political subdivision;

(2) fire apparatuses, including fire-suppression support vehicles, owned or leased by the state or a political subdivision;

(3) ambulances owned or leased by the state or a political subdivision;

(4) vehicles owned by ambulance services licensed under section 144E.10 that are equipped and specifically intended for emergency response or providing ambulance services; and

(5) marked vehicles used by conservation officers of the Division of Enforcement and Field Service of the Department of Natural Resources.

(b) As used in subdivision 1, clause (2), and subdivision 2, paragraph (a), clause (2), "damage" includes tampering with a public safety motor vehicle and acts that obstruct or interfere with the vehicle's use.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to crimes committed on or after that date.

Sec. 18. Minnesota Statutes 2016, section 609.605, is amended by adding a subdivision to read:

Subd. 4a. **Trespass on a school bus.** (a) As used in this subdivision, "school bus" has the meaning given in section 169.011, subdivision 71.

(b) As used in this subdivision, "pupils" means persons in grades prekindergarten through grade 12.

(c) A person who boards a school bus when the bus is on its route or otherwise in operation, or while it has pupils on it, and who refuses to leave the bus on demand of the bus operator, is guilty of a misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to violations committed on or after that date.

Sec. 19. **[609.6057] GEOGRAPHIC RESTRICTION.**

Subdivision 1. **Definition.** As used in this section, "geographic restriction" means a limitation prohibiting a defendant in a criminal proceeding or a juvenile offender in a delinquency proceeding from entering a designated property or geographic area.

Subd. 2. **Prohibited conduct; penalty.** A person who knows of a geographic restriction order issued against the person and intentionally enters or remains in the restricted area is guilty of a misdemeanor.

Subd. 3. **Notice.** (a) A geographic restriction may be issued as a pretrial order before final disposition of the underlying criminal case, as a postconviction probationary order, or both. A geographic restriction order is independent of any condition of pretrial release or probation imposed on the defendant. A geographic restriction order may be issued in addition to a similar restriction imposed as a condition of pretrial release or probation.

(b) A court may issue a geographic restriction upon a finding that its issuance will serve the interests of protecting public safety or property. In making that determination, a court shall consider the following factors:

(1) whether a defendant's presence in a restricted area creates a risk to public safety or property;

(2) a defendant's criminal history;

(3) the likelihood of future criminal activity within the restricted area; and

(4) any other factors deemed relevant by the court.

(c) A court may grant any exceptions to a geographic restriction that it deems necessary in order to avoid the imposition of a significant hardship upon a defendant. In determining whether to grant an exception, a court shall also consider the impact of the exception on the interests of protecting public safety or property.

(d) A geographic restriction order under this section shall be issued in a proceeding that is separate from but which may be held immediately following a proceeding in which any pretrial release or sentencing issues are decided.

(e) A court issuing a geographic restriction order under this section shall notify a defendant:

(1) of the area subject to a geographic restriction; and

(2) that violation of the geographic restriction order is a crime.

Subd. 4. **Cancellation.** (a) A court shall cancel a pretrial geographic restriction order at the final disposition of the underlying criminal case.

(b) A court shall cancel a postconviction geographic restriction order when an offender completes a period of probationary supervision or is committed to the commissioner of corrections.

(c) A court may cancel a postconviction geographic restriction order at any time during which an offender is under probationary supervision.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to crimes committed on or after that date.

Sec. 20. Minnesota Statutes 2016, section 609.748, subdivision 3, is amended to read:

Subd. 3. **Contents of petition; hearing; notice.** (a) A petition for relief must allege facts sufficient to show the following:

(1) the name of the alleged harassment victim;

(2) the name of the respondent; and

(3) that the respondent has engaged in harassment.

A petition for relief must state whether the petitioner has had a previous restraining order in effect against the respondent. The petition shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section and shall advise the petitioner of the right to sue in forma pauperis under section 563.01. The court shall advise the petitioner of the right to request a hearing. If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing. Upon receipt of the petition and a request for a hearing by the petitioner, the court shall order a hearing. Personal service must be made upon the respondent not less than five days before the hearing. If personal service cannot be completed in time to give the respondent the minimum notice required under this paragraph, the court may set a new hearing date. Nothing in this section shall be construed as requiring a hearing on a matter that has no merit.

(b) Notwithstanding paragraph (a), the order for a hearing and a temporary order issued under subdivision 4 may be served on the respondent by means of a one-week published notice under section 645.11, if:

(1) the petitioner files an affidavit with the court stating that an attempt at personal service made by a ~~sheriff~~ peace officer was unsuccessful because the respondent is avoiding service by concealment or otherwise; and

(2) a copy of the petition and order for hearing and any temporary restraining order has been mailed to the respondent at the respondent's residence or place of business, if the respondent is an organization, or the respondent's residence or place of business is not known to the petitioner.

(c) Regardless of the method of service, if the respondent is a juvenile, whenever possible, the court also shall have notice of the pendency of the case and of the time and place of the hearing served by mail at the last known address upon any parent or guardian of the juvenile respondent who is not the petitioner.

(d) A request for a hearing under this subdivision must be made within 20 days of service of the petition.

Sec. 21. Minnesota Statutes 2016, section 609.748, subdivision 3a, is amended to read:

Subd. 3a. **Filing fee; cost of service.** The filing fees for a restraining order under this section are waived for the petitioner if the petition alleges acts that would constitute a violation of section 609.749, subdivision 2, 3, 4, or 5, or sections 609.342 to 609.3451. The court administrator and ~~the sheriff of any county~~ any peace officer in this state shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when ~~the sheriff~~ a peace officer is unavailable or if service is made by publication. The court may direct a respondent to pay to the court administrator the petitioner's filing fees and reasonable costs of service of process if the court determines that the respondent has the ability to pay the petitioner's fees and costs.

Sec. 22. Minnesota Statutes 2016, section 609.748, subdivision 5, is amended to read:

Subd. 5. **Restraining order.** (a) The court may issue a restraining order that provides any or all of the following:

(1) orders the respondent to cease or avoid the harassment of another person; or

(2) orders the respondent to have no contact with another person.

(b) The court may issue an order under paragraph (a) if all of the following occur:

(1) the petitioner has filed a petition under subdivision 3;

(2) ~~the sheriff~~ a peace officer has served respondent with a copy of the temporary restraining order obtained under subdivision 4, and with notice of the right to request a hearing, or service has been made by publication under subdivision 3, paragraph (b); and

(3) the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.

A restraining order may be issued only against the respondent named in the petition; except that if the respondent is an organization, the order may be issued against and apply to all of the members

of the organization. If the court finds that the petitioner has had two or more previous restraining orders in effect against the same respondent or the respondent has violated a prior or existing restraining order on two or more occasions, relief granted by the restraining order may be for a period of up to 50 years. In all other cases, relief granted by the restraining order must be for a fixed period of not more than two years. When a referee presides at the hearing on the petition, the restraining order becomes effective upon the referee's signature.

(c) An order issued under this subdivision must be personally served upon the respondent.

(d) If the court orders relief for a period of up to 50 years under paragraph (a), the respondent named in the restraining order may request to have the restraining order vacated or modified if the order has been in effect for at least five years and the respondent has not violated the order. Application for relief under this paragraph must be made in the county in which the restraining order was issued. Upon receipt of the request, the court shall set a hearing date. Personal service must be made upon the petitioner named in the restraining order not less than 30 days before the date of the hearing. At the hearing, the respondent named in the restraining order has the burden of proving by a preponderance of the evidence that there has been a material change in circumstances and that the reasons upon which the court relied in granting the restraining order no longer apply and are unlikely to occur. If the court finds that the respondent named in the restraining order has met the burden of proof, the court may vacate or modify the order. If the court finds that the respondent named in the restraining order has not met the burden of proof, the court shall deny the request and no request may be made to vacate or modify the restraining order until five years have elapsed from the date of denial. An order vacated or modified under this paragraph must be personally served on the petitioner named in the restraining order.

Sec. 23. Minnesota Statutes 2016, section 609.748, is amended by adding a subdivision to read:

Subd. 5a. Short-form notification. (a) In lieu of personal service of a harassment restraining order, a peace officer may serve a person with a short-form notification. The short-form notification must include the following clauses: the respondent's name; the respondent's date of birth, if known; the petitioner's name; the names of other protected parties; the date and county in which the temporary restraining order or restraining order was filed; the court file number; the hearing date and time, if known; the conditions that apply to the respondent, either in checklist form or handwritten; and the name of the judge who signed the order.

The short-form notification must be in bold print in the following form:

"The restraining order is now enforceable. You must report to your nearest sheriff's office or county court to obtain a copy of the restraining order. You are subject to arrest and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any of the terms of the restraining order or this short-form notification."

(b) Upon verification of the identity of the respondent and the existence of an unserved harassment restraining order against the respondent, a law enforcement officer may detain the respondent for a reasonable time necessary to complete and serve the short-form notification.

(c) When service is made by short-form notification, it may be proved by the affidavit of the law enforcement officer making the service.

(d) For service under this section only, service upon an individual may occur at any time, including Sundays and legal holidays.

(e) The superintendent of the Bureau of Criminal Apprehension shall provide the short form to law enforcement agencies.

EFFECTIVE DATE. This section is effective 30 days following publication of a notice on the Bureau of Criminal Apprehension's website that a computer system is available to send harassment restraining order data from the Minnesota judicial branch to law enforcement.

Sec. 24. Minnesota Statutes 2016, section 609.748, is amended by adding a subdivision to read:

Subd. 5b. **Service by others.** In addition to peace officers, corrections officers, including but not limited to probation officers, court services officers, parole officers, and employees of jails or correctional facilities, may serve a temporary restraining order or restraining order.

Sec. 25. Minnesota Statutes 2016, section 624.714, subdivision 17, is amended to read:

Subd. 17. **Posting; trespass.** (a) A person carrying a firearm on or about his or her person or clothes under a permit or otherwise who remains at a private establishment knowing that the operator of the establishment or its agent has made a reasonable request that firearms not be brought into the establishment may be ordered to leave the premises. A person who fails to leave when so requested is guilty of a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section 609.531, a firearm carried in violation of this subdivision is not subject to forfeiture.

(b) As used in this subdivision, the terms in this paragraph have the meanings given.

(1) "Reasonable request" means a request made under the following circumstances:

(i) the requester has prominently posted a conspicuous sign at every entrance to the establishment containing the following language: "(INDICATE IDENTITY OF OPERATOR) BANS GUNS IN THESE PREMISES."; or

(ii) the requester or the requester's agent personally informs the person that guns are prohibited in the premises and demands compliance.

(2) "Prominently" means readily visible and within four feet laterally of the entrance with the bottom of the sign at a height of four to six feet above the floor.

(3) "Conspicuous" means lettering in black arial typeface at least 1-1/2 inches in height against a bright contrasting background that is at least 187 square inches in area.

(4) "Private establishment" means a building, structure, or portion thereof that is owned, leased, controlled, or operated by a nongovernmental entity for a nongovernmental purpose.

(c) The owner or operator of a private establishment may not prohibit the lawful carry or possession of firearms in a parking facility or parking area.

(d) The owner or operator of a private establishment may not prohibit the lawful carry or possession of firearms by a peace officer, as defined in section 626.84, subdivision 1, paragraph

(c), within the private establishment or deny the officer access thereto, except when specifically authorized by statute. The owner or operator of the private establishment may require the display of official credentials issued by the agency that employs the peace officer prior to granting the officer entry into the private establishment.

~~(d)~~ (e) This subdivision does not apply to private residences. The lawful possessor of a private residence may prohibit firearms, and provide notice thereof, in any lawful manner.

~~(e)~~ (f) A landlord may not restrict the lawful carry or possession of firearms by tenants or their guests.

~~(f)~~ (g) Notwithstanding any inconsistent provisions in section 609.605, this subdivision sets forth the exclusive criteria to notify a permit holder when otherwise lawful firearm possession is not allowed in a private establishment and sets forth the exclusive penalty for such activity.

~~(g)~~ (h) This subdivision does not apply to:

~~(1) an active licensed peace officer; or~~

~~(2) a security guard acting in the course and scope of employment. The owner or operator of a private establishment may require the display of official credentials issued by the company, which must be licensed by the Private Detective and Protective Agent Services Board, that employs the security guard and the guard's permit card prior to granting the guard entrance into the private establishment.~~

Sec. 26. [626.8469] TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT, AND CULTURAL DIVERSITY.

Subdivision 1. **In-service training required.** Beginning July 1, 2018, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in crisis intervention and mental illness crises; conflict management and mediation; and recognizing and valuing community diversity and cultural differences to include implicit bias training to every peace officer and part-time peace officer employed by the agency. The training shall comply with learning objectives developed and approved by the board and shall meet board requirements for board-approved continuing education credit. The training shall consist of at least 16 continuing education credits within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2018, is not required to complete this training until the officer's next full three-year licensing cycle.

Subd. 2. **Record keeping required.** The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivision 1. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subd. 3. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

Sec. 27. Laws 2009, chapter 59, article 3, section 4, subdivision 3, as amended by Laws 2011, chapter 87, section 1, subdivision 3, is amended to read:

Subd. 3. **Contract.** Notwithstanding any law or ordinance to the contrary, an eligible city or county may contract with a third party to create and administer the diversion program. A third party administering the program under this section must annually provide to the city or county a copy of an annual independent audit. At a minimum, the audit shall include the following:

(1) the amount charged for program fees;

(2) the total number of participants in the pilot program;

(3) the total amount of money collected from participants in the pilot program;

(4) the total amount of money, detailed by category, paid or applied to reinstatement fees, surcharges, criminal and traffic fines, and program fees;

(5) the number of participants who successfully completed the pilot program in the previous year;

(6) the number of participants terminated from the pilot program under subdivision 7, paragraph (a), clauses (1) to (3);

(7) the reimbursement policy for all payments listed under clause (4); and

(8) the amount of all payments listed under clause (4) retained from participants who were terminated from the program.

The third party administering the program must pay the cost of the audit.

Sec. 28. Laws 2009, chapter 59, article 3, section 4, subdivision 8, as amended by Laws 2011, chapter 87, section 1, subdivision 8, is amended to read:

Subd. 8. **Report.** (a) By February 1, ~~2013~~ 2019, the commissioner of public safety and each eligible city and county that participates in the diversion program shall report to the legislative committees with jurisdiction over transportation and the judiciary concerning the results of the program. ~~The report must be made electronically and available in print only upon request.~~ At a minimum, the report must include, without limitation, the effect of the program on:

(1) recidivism rates for participants in the diversion pilot program;

(2) ~~payment of the~~ information for reinstatement fees, surcharges, and criminal fines collected in the diversion pilot program ~~to cities, counties, and the state;~~

(3) educational support provided to participants in the diversion pilot program; ~~and~~

(4) the total number of participants in the diversion pilot program ~~and;~~

(5) the number of participants who have terminated from the pilot program under subdivision 7, paragraph (a), clauses (1) to (3); and

(6) the names of all third-party program administrators and their program fee refund policy, and, for each administrator the amount charged for program fees, and the amount of program fees retained from participants who have terminated from the program.

(b) The report must include recommendations regarding the future of the program and any necessary legislative changes.

Sec. 29. Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended by Laws 2010, chapter 197, section 1, Laws 2011, chapter 87, section 1, subdivision 9, and Laws 2013, chapter 127, section 60, is amended to read:

Subd. 9. **Sunset.** A city or county participating in this pilot program may accept an individual for diversion into the pilot program until June 30, ~~2017~~ 2019. The third party administering the diversion program may collect and disburse fees collected pursuant to subdivision 6, paragraph (a), clause (2), through December 31, ~~2018~~ 2020, at which time the pilot program under this section expires.

Sec. 30. **ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

(a) Agencies providing supervision to offenders on probation, parole, or supervised release are eligible for grants to facilitate access to community options including, but not limited to, inpatient chemical dependency treatment for nonviolent controlled substance offenders to address and correct behavior that is, or is likely to result in, a technical violation of the conditions of release. For purposes of this section, "nonviolent controlled substance offender" is a person who meets the criteria described under Minnesota Statutes, section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation of a court order of probation, condition of parole, or condition of supervised release, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

(b) The Department of Corrections shall establish criteria for selecting grant recipients and the amount awarded to each grant recipient.

(c) By January 15, 2019, the commissioner of corrections shall submit a report to the chairs of the house of representatives and senate committees with jurisdiction over public safety policy and finance. At a minimum, the report must include:

(1) the total number of grants issued under this program;

(2) the average amount of each grant;

(3) the community services accessed as a result of the grants;

(4) a summary of the type of supervision offenders were under when a grant was used to help access a community option;

(5) the number of individuals who completed, and the number who failed to complete, programs accessed as a result of this grant; and

(6) the number of individuals who violated the terms of release following participation in a program accessed as a result of this grant, separating technical violations and new criminal offenses.

Sec. 31. ASSESSMENT OF APPLETON FACILITY.

(a) The commissioner of corrections shall select an independent entity to conduct a thorough assessment of the existing correctional facility located in Appleton, Minnesota. This assessment must determine the current physical state of the facility and the improvements to it, if any, that would be necessary for the department to open and operate it to house Minnesota offenders in a manner consistent with other state correctional facilities. The assessment must estimate the costs involved in upgrading, leasing or purchasing, and operating the facility.

(b) By January 15, 2018, the commissioner shall report the results of the assessment to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy and finance.

ARTICLE 4

COURT-RELATED FEE DECREASES

Section 1. Minnesota Statutes 2016, section 357.021, subdivision 2, is amended to read:

Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of ~~\$310~~ \$285, except in marriage dissolution actions the fee is ~~\$340~~ \$315.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of ~~\$310~~ \$285, except in marriage dissolution actions the fee is ~~\$340~~ \$315. This subdivision does not apply to the filing of an Application for Discharge of Judgment. Section 548.181 applies to an Application for Discharge of Judgment.

The party requesting a trial by jury shall pay \$100.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$14, and \$8 for an uncertified copy.

(3) Issuing a subpoena, \$16 for each name.

(4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, ~~\$100~~ \$75.

(5) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$55.

(6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$40.

(7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.

(8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.

(9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists, \$5.

(10) For the filing of each partial, final, or annual account in all trusteeships, \$55.

(11) For the deposit of a will, \$27.

(12) For recording notary commission, \$20.

(13) Filing a motion or response to a motion for modification of child support, a fee of ~~\$100~~ \$50.

(14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

(15) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (5) need not be paid by a public authority or the party the public authority represents.

Sec. 2. Minnesota Statutes 2016, section 609.748, subdivision 3a, is amended to read:

Subd. 3a. **Filing fee; cost of service.** The filing fees for a restraining order under this section are waived for the petitioner and the respondent if the petition alleges acts that would constitute a violation of section 609.749, subdivision 2, 3, 4, or 5, or sections 609.342 to 609.3451. The court administrator and the sheriff of any county in this state shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when the sheriff is unavailable or if service is made by publication. ~~The court may direct a respondent to pay to the court administrator the petitioner's filing fees and reasonable costs of service of process if the court determines that the respondent has the ability to pay the petitioner's fees and costs.~~

ARTICLE 5**CONTROLLED SUBSTANCES**

Section 1. Minnesota Statutes 2016, section 152.02, subdivision 2, is amended to read:

Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following substances, including their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers, and salts is possible:

- (1) acetylmethadol;
- (2) allylprodine;
- (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl acetate);
- (4) alphameprodine;
- (5) alphamethadol;
- (6) alpha-methylfentanyl benzethidine;
- (7) betacetylmethadol;
- (8) betameprodine;
- (9) betamethadol;
- (10) betaprodine;
- (11) clonitazene;
- (12) dextromoramide;
- (13) diampromide;
- (14) diethylambutene;
- (15) difenoxin;
- (16) dimenoxadol;
- (17) dimepheptanol;
- (18) dimethylambutene;
- (19) dioxaphetyl butyrate;
- (20) dipipanone;

- (21) ethylmethylthiambutene;
- (22) etonitazene;
- (23) etoxeridine;
- (24) furethidine;
- (25) hydroxypethidine;
- (26) ketobemidone;
- (27) levomoramide;
- (28) levophenacymorphan;
- (29) 3-methylfentanyl;
- (30) acetyl-alpha-methylfentanyl;
- (31) alpha-methylthiofentanyl;
- (32) benzylfentanyl beta-hydroxyfentanyl;
- (33) beta-hydroxy-3-methylfentanyl;
- (34) 3-methylthiofentanyl;
- (35) thenylfentanyl;
- (36) thiofentanyl;
- (37) para-fluorofentanyl;
- (38) morpheridine;
- (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- (40) noracymethadol;
- (41) norlevorphanol;
- (42) normethadone;
- (43) norpipanone;
- (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- (45) phenadoxone;
- (46) phenampromide;

(47) phenomorphan;

(48) phenoperidine;

(49) piritramide;

(50) proheptazine;

(51) properidine;

(52) propiram;

(53) racemoramide;

(54) tilidine;

(55) trimeperidine;

(56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);

(57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-methylbenzamide(U47700);
and

(58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanyl fentanyl).

(c) Opium derivatives. Any of the following substances, their analogs, salts, isomers, and salts of isomers, unless specifically excepted or unless listed in another schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

(1) acetorphine;

(2) acetyldihydrocodeine;

(3) benzylmorphine;

(4) codeine methylbromide;

(5) codeine-n-oxide;

(6) cyprenorphine;

(7) desomorphine;

(8) dihydromorphine;

(9) drotebanol;

(10) etorphine;

(11) heroin;

(12) hydromorphanol;

- (13) methyldesorphine;
- (14) methyldihydromorphine;
- (15) morphine methylbromide;
- (16) morphine methylsulfonate;
- (17) morphine-n-oxide;
- (18) myrophine;
- (19) nicocodeine;
- (20) nicomorphine;
- (21) normorphine;
- (22) pholcodine; and
- (23) thebacon.

(d) Hallucinogens. Any material, compound, mixture or preparation which contains any quantity of the following substances, their analogs, salts, isomers (whether optical, positional, or geometric), and salts of isomers, unless specifically excepted or unless listed in another schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

- (1) methylenedioxy amphetamine;
- (2) methylenedioxymethamphetamine;
- (3) methylenedioxy-N-ethylamphetamine (MDEA);
- (4) n-hydroxy-methylenedioxyamphetamine;
- (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- (7) 4-methoxyamphetamine;
- (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- (9) alpha-ethyltryptamine;
- (10) bufotenine;
- (11) diethyltryptamine;
- (12) dimethyltryptamine;
- (13) 3,4,5-trimethoxyamphetamine;

- (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- (15) ibogaine;
- (16) lysergic acid diethylamide (LSD);
- (17) mescaline;
- (18) parahexyl;
- (19) N-ethyl-3-piperidyl benzilate;
- (20) N-methyl-3-piperidyl benzilate;
- (21) psilocybin;
- (22) psilocyn;
- (23) tenocyclidine (TPCP or TCP);
- (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (2-CB-FLY);
- (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);

- (40) alpha-methyltryptamine (AMT);
- (41) N,N-diisopropyltryptamine (DiPT);
- (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);
- (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- (52) ~~5-methoxy-N-methyl-N-propyltryptamine~~ 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- (57) methoxetamine (MXE);
- (58) 5-iodo-2-aminoindane (5-IAI);
- (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- (65) N,N-Dipropyltryptamine (DPT);

- (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylorketamine, ethketamine, NENK); ~~and~~
- (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).

(e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant, and every compound, manufacture, salts, derivative, mixture, or preparation of the plant, its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian Church, and members of the American Indian Church are exempt from registration. Any person who manufactures peyote for or distributes peyote to the American Indian Church, however, is required to obtain federal registration annually and to comply with all other requirements of law.

(f) Central nervous system depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

- (1) mecloqualone;
- (2) methaqualone;
- (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;
- (4) flunitrazepam; and
- (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine, methoxyketamine).

(g) Stimulants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

- (1) aminorex;
- (2) cathinone;

- (3) fenethylline;
- (4) methcathinone;
- (5) methylaminorex;
- (6) N,N-dimethylamphetamine;
- (7) N-benzylpiperazine (BZP);
- (8) methylmethcathinone (mephedrone);
- (9) 3,4-methylenedioxy-N-methylcathinone (methydone);
- (10) methoxymethcathinone (methedrone);
- (11) methylenedioxypropylvalerone (MDPV);
- (12) 3-fluoro-N-methylcathinone (3-FMC);
- (13) methylethcathinone (MEC);
- (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- (15) dimethylmethcathinone (DMMC);
- (16) fluoroamphetamine;
- (17) fluoromethamphetamine;
- (18) α -methylaminobutyrophenone (MABP or buphedrone);
- (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpropylvalerone or naphyrone);
- (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- (25) 4-methyl-N-ethylcathinone (4-MEC);
- (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);

- (29) 4-fluoro-N-methylcathinone (4-FMC);
- (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- (31) alpha-pyrrolidinobutiophenone (α -PBP);
- (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- (33) 1-phenyl-2-(1-pyrrolidiny)-1-heptanone (PV8);
- (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB); ~~and~~
- (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4-chloro-PPP);
- (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB); and

(38) any other substance, except bupropion or compounds listed under a different schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(i) by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(ii) by substitution at the 3-position with an acyclic alkyl substituent;

(iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of the following substances, their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible:

(1) marijuana;

(2) tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis*, synthetic equivalents of the substances contained in the cannabis plant or in the resinous extractives of the plant, or synthetic substances with similar chemical structure and pharmacological activity to those substances contained in the plant or resinous extract, including, but not limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4 cis or trans tetrahydrocannabinol;

(3) synthetic cannabinoids, including the following substances:

(i) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of naphthoylindoles include, but are not limited to:

- (A) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);
- (B) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);
- (C) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);
- (D) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);
- (E) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);
- (F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);
- (G) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);
- (H) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);
- (I) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
- (J) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

(ii) Naphthylmethylindoles, which are any compounds containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:

- (A) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);
- (B) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).

(iii) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of naphthoylpyrroles include, but are not limited to, (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

(iv) Naphthylmethylindenes, which are any compounds containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of naphthylmethylindenes include, but are not limited to, E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

(v) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Examples of phenylacetylindoles include, but are not limited to:

(A) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

(B) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

(C) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);

(D) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

(vi) Cyclohexylphenols, which are compounds containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not limited to:

(A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

(B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (Cannabicyclohexanol or CP 47,497 C8 homologue);

(C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol (CP 55,940).

(vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of benzoylindoles include, but are not limited to:

(A) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);

(B) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);

(C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN 48,098 or Pravadoline).

(viii) Others specifically named:

(A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);

(B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);

- (C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de] -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);
- (D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);
- (E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11);
- (F) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide (AKB-48(APINACA));
- (G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5-Fluoro-AKB-48);
- (H) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- (I) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);
- (J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA);
- (K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (AB-FUBINACA);
- (L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide(AB-CHMINACA);
- (M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3- methylbutanoate (5-fluoro-AMB);
- (N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- (O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone (FUBIMINA);
- (P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- (Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl) -1H-indole-3-carboxamide (5-fluoro-ABICA);
- (R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl) -1H-indole-3-carboxamide;
- (S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl) -1H-indazole-3-carboxamide;
- (T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido) -3,3-dimethylbutanoate;
- (U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1 H-indazole-3-carboxamide (MAB-CHMINACA);
- (V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA);
- (W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);

(X) N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-3-carboxamide (APP-CHMINACA); ~~and~~

(Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and

(Z) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).

(i) A controlled substance analog, to the extent that it is implicitly or explicitly intended for human consumption.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2016, section 152.02, subdivision 12, is amended to read:

Subd. 12. **Coordination of controlled substance regulation with federal law and state statute.**
(a) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the state Board of Pharmacy, the state Board of Pharmacy shall may similarly and temporarily control the substance under this chapter, after the expiration of 30 days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance. Such order shall be filed with the secretary of state. If within that 30-day period, the state Board of Pharmacy objects to inclusion, rescheduling, or deletion, it shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the state Board of Pharmacy shall publish its decision, which shall be subject to the provisions of chapter 14 by issuing an order and causing it to be published in the State Register and filed with the secretary of state. In issuing the order, the board is not required to engage in rulemaking. The order expires no later than 12 months after the date of issue and may not be renewed. After issuing the order, the board may permanently schedule the substance only by exercising the authority granted to it under subdivision 8.

~~In exercising the authority granted by this chapter, the state Board of Pharmacy shall be subject to the provisions of chapter 14.~~

(b) The state Board of Pharmacy shall annually submit a report to the legislature on or before December 1 that specifies what changes the board made to the controlled substance schedules maintained by the board in Minnesota Rules, parts 6800.4210 to 6800.4250, in the preceding 12 months. The report must also specify any orders issued by the board under this subdivision. The report must include specific recommendations for amending the controlled substance schedules contained in subdivisions 2 to 6, so that they conform with the controlled substance schedules maintained by the board in Minnesota Rules, parts 6800.4210 to 6800.4250, and with the federal schedules.

Sec. 3. Minnesota Statutes 2016, section 152.02, is amended by adding a subdivision to read:

Subd. 14. **Procedural requirements.** Except as otherwise permitted in this section, the Board of Pharmacy is subject to the provisions of chapter 14 in exercising the authority granted by this chapter."

Delete the title and insert:

"A bill for an act relating to public safety; modifying certain provisions relating to courts, public safety, corrections, crime, and controlled substances; requesting reports; providing for penalties; appropriating money for public safety, courts, corrections, Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, Sentencing Guidelines, Peace Officer Standards and Training (POST) Board, and Private Detective Board; amending Minnesota Statutes 2016, sections 2.722, subdivision 1; 3.739, subdivision 1; 12.221, subdivision 6; 12B.15, subdivision 2; 13.69, subdivision 1; 152.02, subdivisions 2, 12, by adding a subdivision; 152.105; 171.015, by adding a subdivision; 243.05, subdivision 1; 243.17, subdivision 1; 243.49; 244.05, subdivision 3; 244.198, by adding a subdivision; 271.21, subdivision 2; 299A.55, subdivision 2; 299A.707, subdivision 2; 299C.46, subdivision 6; 357.021, subdivision 2; 357.42; 358.116; 480.242, subdivision 2; 484.70, subdivision 7; 484.702, by adding a subdivision; 486.05, subdivision 1; 486.06; 518.179, subdivision 2; 609.14, by adding a subdivision; 609.475; 609.48, by adding a subdivision; 609.595, subdivisions 1, 2, by adding a subdivision; 609.605, by adding a subdivision; 609.748, subdivisions 3, 3a, 4, 5, by adding subdivisions; 624.714, subdivision 17; 631.52, subdivision 2; 634.36; Laws 2009, chapter 59, article 3, section 4, subdivisions 3, as amended, 8, as amended, 9, as amended; proposing coding for new law in Minnesota Statutes, chapters 134A; 609; 626; repealing Minnesota Statutes 2016, sections 486.05, subdivision 1a; 525.112."

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

House Conferees: Tony Cornish, Brian Johnson, Nick Zerwas, Peggy Scott, Debra Hilstrom

Senate Conferees: Warren Limmer, Jerry Relph, Mark Johnson, Bruce D. Anderson

Senator Limmer moved that the foregoing recommendations and Conference Committee Report on H.F. No. 470 be now adopted, and that the bill be repassed as amended by the Conference Committee.

CALL OF THE SENATE

Senator Mathews imposed a call of the Senate for the balance of the proceedings on H.F. No. 470. The Sergeant at Arms was instructed to bring in the absent members.

Senator Latz moved that the recommendations and Conference Committee Report on H.F. No. 470 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

The question was taken on the adoption of the Latz motion.

The roll was called, and there were yeas 30 and nays 36, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

The question recurred on the adoption of the Limmer motion. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 470 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 46 and nays 21, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Carlson	Eaton	Klein	Rest	Wiklund
Champion	Franzen	Laine	Schoen	
Cohen	Hawj	Latz	Simonson	
Dibble	Hayden	Marty	Torres Ray	
Dziedzic	Kent	Pappas	Wiger	

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 that the House has reconsidered the vote whereby H. F. No. 1443 was repassed, as amended by Conference, and has also reconsidered the vote whereby the recommendations and report of the Conference Committee were adopted on May 20, 2017:

H.F. No. 1443: A bill for an act relating to commerce; regulating insurance fraud; modifying certain penalties and notices; defining a term; clarifying the authority of the Commerce Fraud Bureau to apply for or execute search warrants; amending Minnesota Statutes 2016, sections 13.82,

subdivision 17; 45.0135, subdivision 9; 60A.27, subdivision 1; 65B.84, by adding a subdivision; 626.05, subdivision 2.

As requested by the Senate, the House has returned the bill to the Conference Committee, as formerly constituted, for further consideration.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 22, 2017

RECESS

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 550 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. No. 550

A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; modifying requirements for receipt of fund money; amending Minnesota Statutes 2016, sections 116P.05, subdivision 2; 116P.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A.

May 22, 2017

The Honorable Michelle L. Fischbach
President of the Senate

The Honorable Kurt L. Daudt
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 550 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 550 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the environment and natural resources trust fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2017," "2018," and "2019" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2017, June 30, 2018, or June 30, 2019, respectively. "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium" is fiscal years 2018 and 2019. Appropriations for fiscal year 2017 are available the day following final enactment.

APPROPRIATIONS**Available for the Year****Ending June 30**

	<u>2017</u>	<u>2018</u>	<u>2019</u>
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Sec. 2. MINNESOTA RESOURCES**Subdivision 1. Total**

<u>Appropriation</u>	<u>\$</u>	<u>8,428,000</u>	<u>\$</u>	<u>50,733,000</u>	<u>\$</u>	<u>5,089,000</u>
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The amounts that may be spent for each purpose are specified in the following subdivisions. Appropriations for fiscal years 2018 and 2019 are available for two years beginning July 1, 2017, for fiscal year 2018 appropriations and beginning July 1, 2018, for fiscal year 2019 appropriations, unless otherwise stated in the appropriation. Any unencumbered balance remaining in the first year does not cancel and is available for the second year or until the end of the appropriation. Appropriations for fiscal year 2017 are available until June 30, 2018, unless otherwise stated in the appropriation.

Subd. 2. Definition

"Trust fund" means the Minnesota environment and natural resources trust fund established under the Minnesota Constitution, article XI, section 14.

**Subd. 3. Foundational Natural
Resource Data and Information**

2,000,000

7,872,000

89,000

(a) County Geologic Atlases - Continuation

\$2,000,000 in fiscal year 2017 is from the trust fund to the Board of Regents of the University of Minnesota, Minnesota Geological Survey, to continue acceleration of the production of county geologic atlases for the purpose of sustainable management of surface water and groundwater resources. This appropriation is to complete Part A of county geologic atlases, which focuses on the properties and distribution of earth materials in order to define aquifer boundaries and the connection of aquifers to the land surface and surface water resources. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(b) Assessment of Public Benefits of Protecting Source Water

\$320,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to map and quantify source water risks, determine ecosystem service valuation of clean water, and provide analyses of equity and community capacity to improve decisions about the protection and management of groundwater and surface water. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(c) Preserving Minnesota Prairie Plant Diversity - Phase II

\$900,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to continue collecting and preserving germplasm of plants throughout Minnesota's prairie region, study the microbial effects that promote plant health, analyze local adaptation, and evaluate the adaptive capacity of prairie plant populations.

This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(d) Minnesota Biological Survey - Continuation

\$2,900,000 the first year is from the trust fund to the commissioner of natural resources for continuation of the Minnesota biological survey to provide a foundation for conserving biological diversity by systematically collecting, interpreting, monitoring, and delivering data on plant and animal distribution and ecology, native plant communities, and functional landscapes. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(e) Minnesota Wildflowers Online Botanical Reference - Phase II

\$270,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with Minnesota Wildflowers Information to continue surveying and imaging plant species and publishing species profiles for a plant identification reference Web site available to the public and land managers. Images acquired and information compiled using these funds are for purposes of public information available on a Web site. If the organization is no longer able to maintain the Web site, the organization must work with the state and the University of Minnesota, Bell Museum of Natural History, to ensure the materials remain publicly available on the Web. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(f) Assessment of Microbes for Improving Wild Rice Restoration

\$334,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota, Natural Resources Research Institute, to evaluate the microbial

communities and nutrients associated with wild rice and competing vegetation, with the goal of enhancing restoration success to increase the abundance of wild rice. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(g) Drainage Records Modernization Cost Share - Phase II

\$540,000 the first year is from the trust fund to the Board of Water and Soil Resources to facilitate statewide modernization of public drainage records under Minnesota Statutes, chapter 103E, and integrate new specifications into existing drainage records modernization guidelines through matching cost-share grants to drainage authorities. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(h) Groundwater Contamination Mapping

\$400,000 the first year is from the trust fund to the commissioner of the Pollution Control Agency to develop a Web-based interactive map of groundwater contamination to improve protection of groundwater resources for drinking water. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(i) Landslide Susceptibility, Mapping, and Management Tools

\$500,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to create landslide susceptibility maps using a landslide inventory and quantitative analysis of LiDAR to provide tools and data for mitigation and restoration to reduce impacts on water resources. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(j) Moose Calf Surveys and Monitoring

\$348,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to assess the use of unmanned aerial vehicles in natural resource monitoring of moose populations and changes in ecosystems.

(k) Cedar Creek Natural Area Wolf Recolonization Assessment

\$398,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota, Cedar Creek Ecosystem Science Reserve, to assess wolf recolonization impacts on wildlife, biodiversity, and natural resources and provide educational opportunities at Cedar Creek Ecosystem Science Reserve. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(l) Effects of Wolf Predation on Beaver, Moose, and Deer

\$293,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with Voyageurs National Park to assess the effects of wolf predation on beaver, moose, and deer in the Border Lakes region. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(m) Mapping Taxonomy and Environmental Toxicology of Minnesota Freshwater Sponges

\$258,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota, Crookston, to determine freshwater sponge distribution, identify and quantify accumulated contaminants, and provide educational research opportunities to undergraduate students. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(n) Pollinator Research and Outreach

\$411,000 the first year and \$89,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota for pollinator research and outreach, including, but not limited to, science-based best practices and the identification and establishment of habitat beneficial to pollinators. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

Subd. 4. Water Resources

-0-

3,175,000

-0-

(a) Assessment of Household Chemicals and Herbicides in Rivers and Lakes

\$236,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to quantify environmental levels of household chemical and herbicide ingredients in rivers and lakes and assess their potential to form toxic by-products.

(b) Wastewater Nitrogen Removal Technology to Protect Water Quality

\$450,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to develop a technology for inexpensive low-energy nitrogen removal in wastewater. This appropriation is subject to Minnesota Statutes, section 116P.10. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(c) Rearing Native Mussels for Reintroduction and Expanding Water Quality Awareness

\$591,000 the first year is from the trust fund to the Minnesota Zoological Garden in cooperation with the Department of Natural Resources to accelerate the reintroduction of native mussels into Minnesota rivers and streams through expanded mussel rearing, research, and statewide educational activities promoting mussel conservation and water quality. This appropriation is available until

June 30, 2020, by which time the project must be completed and final products delivered.

(d) Water Quality Monitoring in Southeastern Minnesota Trout Streams

\$500,000 the first year is from the trust fund to the Board of Trustees of Minnesota State Colleges and Universities, Winona State University, to develop a system of biological monitoring for water quality protection of trout streams in southeastern Minnesota. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(e) Reassessing Toxicity of Petrochemical Spills on Groundwater and Surface Waters

\$300,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the University of St. Thomas to reassess long-term effects of oil spills through the analysis of chemical parameters related to oil degradation and evaluate the impacts on aquatic species, groundwater, and surface waters. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

(f) Assessment of Water Quality for Reuse

\$148,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to collect and analyze pathogen data for evaluation of water reuse in order to maximize water reuse and protect groundwater and surface water quality.

(g) Identification of Chemicals of Emerging Concern in Minnesota Fish

\$400,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Grand Portage Band of Lake Superior Chippewa to identify chemicals of emerging concern and metals in fish, water, and sediments from

approximately 30 water bodies in northeastern Minnesota used for subsistence harvest and recreation. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(h) Techniques for Water Storage Estimates in Central Minnesota

\$250,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to improve water storage estimates in groundwater, soil moisture, streams, lakes, and wetlands through integration of satellite monitoring and ground-based measurements in central Minnesota. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(i) Assessing Release of Mercury and Sulfur on Aquatic Communities

\$300,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to determine the effects of increased temperatures on the release of mercury and sulfur from Minnesota peatlands to predict impacts on aquatic communities and fish health. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

Subd. 5. Environmental Education

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2,988,000-0-

(a) Connecting Youth to Minnesota Waterways through Outdoor Classrooms

\$1,200,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with Wilderness Inquiry to provide place-based environmental education science water experiences to approximately 20,000 middle- and high-school students. This appropriation is available until June 30,

2020, by which time the project must be completed and final products delivered.

(b) Increasing Diversity in Environmental Careers

\$487,000 the first year is from the trust fund to the commissioner of natural resources in cooperation with Conservation Corps Minnesota and Iowa to encourage a diversity of students to pursue careers in environment and natural resources through internships and mentorships with the Department of Natural Resources, the Board of Water and Soil Resources, and the Pollution Control Agency. This appropriation is available until June 30, 2022, by which time the project must be completed and final products delivered.

(c) Interactive Water Resource Programs for Planetariums in Minnesota

\$500,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota, Bell Museum of Natural History, to create an interactive planetarium program on water resources, reaching approximately 400,000 citizens statewide through the Bell Museum Planetarium, St. Paul Public Schools, Mayo High School, Mankato East High School, Southwest Minnesota State University, Minnesota State University Moorhead, and University of Minnesota Duluth. This appropriation is available until June 30, 2022, by which time the project must be completed and final products delivered.

(d) Expanding Raptor Center Online Education

\$270,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota, Raptor Center, to provide environmental education for approximately 15,000 middle-school students and 600 teachers, combining classroom learning and outdoor experiences with technology, scientific investigation of birds, and conservation projects. This appropriation is available until June 30, 2022, by which time

the project must be completed and final products delivered.

(e) Local Planning and Implementation Efforts for Bird Habitat

\$280,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the National Audubon Society, Minnesota office, to engage approximately 60 communities and 400,000 citizens in bird habitat improvement through local planning and implementation efforts using the National Audubon Bird City program. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(f) Developing Youth Watershed Stewardship in Northwest Minnesota

\$121,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Headwaters Science Center to accelerate a multiyear environmental science club for middle-school students focused on water quality, watershed evaluation, and aquatic invasive species in northwestern Minnesota. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(g) Increasing Residential Environmental Learning Center Opportunities

\$130,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Audubon Center of the North Woods to provide scholarship opportunities for a minimum of 1,000 students that are not currently served through other residential environmental education learning centers. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

**Subd. 6. Aquatic and
Terrestrial Invasive Species**

2,700,000

2,021,000

-0-

(a) Aquatic Invasive Species Research Center - Phase II

\$2,700,000 in fiscal year 2017 is from the trust fund to the Board of Regents of the University of Minnesota to support the Minnesota Aquatic Invasive Species Research Center in finding solutions to Minnesota's aquatic invasive species problems through research, control, prevention, and early detection of existing and emerging aquatic invasive species threats. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

(b) Emerald Ash Borer Biocontrol - Phase III

\$729,000 the first year is from the trust fund to the commissioner of agriculture in cooperation with the Board of Regents of the University of Minnesota to implement biocontrol of emerald ash borer using a newly approved parasitic wasp, assess the impact of the statewide program, and engage citizen volunteers. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(c) Invasive Bighead and Silver Carp and Native Fish Evaluation - Phase II

\$500,000 the first year is from the trust fund to the commissioner of natural resources to continue invasive bighead and silver carp monitoring in the Mississippi River and tributaries through advanced acoustic telemetry and assess food chains to determine how native species might prevent invasive bighead and silver carp establishment. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(d) Adapting Stream Barriers to Remove Common Carp

\$301,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to conduct field tests at existing barrier sites and laboratory experiments to adapt a technology to remove common carp from streams during carp spawning migrations in Minnesota.

(e) Tactical Invasive Plant Management Plan Development

\$296,000 the first year is from the trust fund to the commissioner of agriculture in cooperation with the Board of Regents of the University of Minnesota to develop regional priorities and an interagency action plan for invasive plant management to protect and promote habitat and native species. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(f) Maximize Value of Water Impoundments to Wildlife

\$195,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the National Audubon Society, Minnesota office, to control invasive hybrid cattails in water impoundments to improve habitat quality for migrating and breeding birds. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

Subd. 7. Air Quality, Climate Change, and Renewable Energy

-0-

3,250,000

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(a) Extraction of Solar Thermal Energy in Minnesota

\$250,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to develop new solar particle receivers as a low-cost, high-efficiency, and

clean technology to absorb, store, and utilize solar thermal energy. This appropriation is subject to Minnesota Statutes, section 116P.10. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(b) Assessment of Urban Air Quality

\$700,000 the first year is from the trust fund to the commissioner of the Pollution Control Agency to set up and operate a network of 250 air pollution sensors at 50 sites to monitor fine particles, ozone, nitrogen oxides, sulfur dioxide, and carbon monoxide in each zip code for the cities of Minneapolis and St. Paul to assess variability of urban air pollution. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(c) Generation, Storage, and Utilization of Solar Energy

\$500,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota, West Central Research and Outreach Center, Morris, to develop and demonstrate an integrated facility to generate electricity, shade dairy cattle, and provide energy storage and utilization from solar technologies at the West Central Research and Outreach Center, Morris. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(d) District Heating with Renewable Biomass at Camp Ripley Training Center

\$1,000,000 the first year is from the trust fund to the commissioner of military affairs to install a 5,000,000-BTU centralized biomass boiler system utilizing the forestry management at Camp Ripley. This appropriation must be matched by at least \$900,000 of nonstate money and must be

committed by December 31, 2017. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(e) Geotargeted Distributed Clean Energy Initiative

\$800,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Center for Energy and Environment. Of this amount, \$600,000 is for analysis of community-distributed clean energy investments as alternatives to utility capital investments for transmission and distribution upgrades to meet forecasted electrical loads, and \$200,000 is to conduct pilot programs using energy efficiency and other distributed energy resources to achieve forecasted electric energy loads in communities. The appropriation for pilot programs is contingent on a \$200,000 match of an equal or greater amount of nonstate money. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

Subd. 8. Methods to Protect or Restore Land, Water, and

Habitat

2,729,000

16,554,000

5,000,000

(a) Optimizing the Nutrition of Roadside Plants for Pollinators

\$815,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota in cooperation with the Departments of Agriculture, Natural Resources, and Transportation and the Board of Water and Soil Resources to produce site-specific recommendations for roadside plantings in Minnesota to maximize the nutritional health of native bees and monarch butterflies that rely on roadside habitat corridors. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(b) Promoting Conservation Biocontrol of Beneficial Insects

\$400,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to research integrated pest management strategies, including insecticide alternatives, and overwintering habitat sites to conserve beneficial insects, including bees, butterflies, and predator insects. The integrated pest management strategies will be used to develop best management practices to increase pollinator and beneficial insect diversity and abundance in various restored habitats. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(c) Evaluating the Use of Bison to Restore and Preserve Savanna Habitat

\$388,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota, Cedar Creek Ecosystem Science Reserve, to research combined bison grazing and fire management strategies to restore Minnesota's oak savanna ecosystems. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(d) State Park Pollinator Habitat Restoration

\$672,000 the first year is from the trust fund to the commissioner of natural resources to restore at least 520 acres of monarch butterfly and other native pollinator habitats in at least seven state parks in the Minnesota Prairie Conservation Plan core areas and establish pollinator plantings and interpretive exhibits in at least ten state parks. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

(e) Enhancing Spawning Habitat Restoration in Minnesota Lakes

\$294,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota, St. Anthony Falls Laboratory, in cooperation with the Department of Natural Resources to enhance efforts to increase natural reproduction of fish in Minnesota lakes by assessing wave energy impacts on near-shore spawning habitat. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(f) Prescribed-Fire Management for Roadside Prairies

\$345,000 the first year is from the trust fund to the commissioner of transportation to enhance the prescribed-fire program to manage roadsides to protect and increase biodiversity and pollinator habitat. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(g) Minnesota Bee and Beneficial Species Habitat Restoration

\$732,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with Pheasants Forever in cooperation with the University of Minnesota and the Minnesota Honey Producers Association to restore approximately 800 acres of permanently protected land to enhance bee, butterfly, beneficial insect, and grassland bird habitats. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

(h) Mississippi and Vermillion Rivers Restoration of Prairie, Savanna, and Forest Habitat - Phase X

\$213,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with Friends of the Mississippi River for continued implementation of the Metro Conservation Corridors partnership by improving at least 80 acres of habitat at

approximately seven sites along the Mississippi River and Vermillion River corridors. Expenditures are limited to the identified project corridor areas as defined in the work plan. A list of proposed restoration sites must be provided as part of the required work plan. Plant and seed materials must follow the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(i) Community Stewardship to Restore Urban Natural Resources - Phase X

\$524,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with Great River Greening to work with volunteers for continued implementation of the Metro Conservation Corridors partnership to restore approximately 250 acres of forest, prairie, woodland, wetland, and shoreline throughout the greater Twin Cities metropolitan area. Expenditures are limited to the identified project corridor areas as defined in the work plan. A list of proposed restoration sites and evaluations must be provided as part of the required work plan. Plant and seed materials must follow the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(j) Economic Assessment of Precision Conservation and Agriculture

\$400,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with Pheasants Forever to demonstrate a new approach to promote conservation practices utilizing return-on-investment analysis and identifying revenue-negative acres on agricultural land

to assist farmers in implementing conservation practices that will provide environmental and economic benefits. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(k) Conservation Reserve Enhancement Program (CREP) Outreach and Implementation

\$6,000,000 the first year is from the trust fund to the Board of Water and Soil Resources to fund staff at soil and water conservation districts to assist landowners participating in the federal Conservation Reserve Enhancement Program. This appropriation is contingent upon receipt of federal funds for implementation. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(l) Conservation Reserve Enhancement Program (CREP)

\$2,729,000 in fiscal year 2017 and \$5,771,000 the first year and \$5,000,000 the second year are from the trust fund to the Board of Water and Soil Resources to acquire permanent conservation easements and restore land under Minnesota Statutes, section 103F.515. This work may be done in cooperation with the federal Conservation Reserve Enhancement Program. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

Subd. 9. Land Acquisition, Habitat, and Recreation

999,000

13,533,000

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(a) Metropolitan Regional Parks System Land Acquisition

\$1,500,000 the first year is from the trust fund to the Metropolitan Council for grants to acquire approximately 197 acres of land within the approved park boundaries of the metropolitan regional park system. This

appropriation may not be used to purchase habitable residential structures. A list of proposed fee title acquisitions must be provided as part of the required work plan. This appropriation must be matched by at least 40 percent of nonstate money that must be committed by December 31, 2017. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(b) Scientific and Natural Areas Acquisition and Restoration, Citizen Science, and Engagement

\$2,500,000 the first year is from the trust fund to the commissioner of natural resources to acquire at least 250 acres of land with high-quality native plant communities and rare features to be established as scientific and natural areas as provided in Minnesota Statutes, section 86A.05, subdivision 5, restore and improve at least 1,000 acres of scientific and natural areas, and provide technical assistance and outreach, including site steward events. At least one-third of the appropriation must be spent on restoration activities. A list of proposed acquisitions and restorations must be provided as part of the required work plan. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. When feasible, consideration must be given to accommodate trails on lands acquired. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(c) Minnesota State Parks and State Trails Land Acquisition

\$1,500,000 the first year is from the trust fund to the commissioner of natural resources to acquire approximately 373 acres from willing sellers for authorized state trails and critical parcels within the statutory boundaries of state parks. State park land

acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. A list of proposed acquisitions must be provided as part of the required work plan. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(d) Minnesota State Trails Acquisition, Development, and Enhancement

\$999,000 in fiscal year 2017 and \$39,000 the first year are from the trust fund to the commissioner of natural resources for state trail acquisition, development, and enhancement in southern Minnesota. A proposed list of trail projects on authorized state trails must be provided as part of the required work plan. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(e) Native Prairie Stewardship and Prairie Bank Easement Acquisition

\$2,675,000 the first year is from the trust fund to the commissioner of natural resources to acquire native prairie bank easements in accordance with Minnesota Statutes, section 84.96, on approximately 335 acres, prepare baseline property assessments, restore and enhance at least 570 acres of native prairie sites, and provide technical assistance to landowners. Of this amount, up to \$132,000 may be deposited in a conservation easement stewardship account. Deposits into the conservation easement stewardship account must be made upon closing on conservation easements or at a time otherwise approved in the work plan. A list of proposed easement acquisitions must be provided as part of the required work plan. This appropriation is available until June 30, 2020, by which time

the project must be completed and final products delivered.

(f) Leech Lake Acquisition

\$1,500,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Leech Lake Band of Ojibwe to acquire approximately 45 acres, including 0.67 miles of shoreline of high-quality aquatic and wildlife habitat at the historic meeting place between Henry Schoolcraft and the Anishinabe people. The land must be open to public use including hunting and fishing. The band must provide a commitment that land will not be put in a federal trust through the Bureau of Indian Affairs.

(g) Mesabi Trail Development

\$2,269,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the St. Louis and Lake Counties Regional Railroad Authority for engineering and constructing segments of the Mesabi Trail. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(h) Tower Trailhead Boat Landing and Habitat Improvement - Phase II

\$600,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the city of Tower to construct a trailhead and boat landing and restore vegetative habitat on city-owned property. Plant and seed materials must follow the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

(i) Land Acquisition for Voyageurs National Park Crane Lake Visitors Center

\$950,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the town of Crane Lake, in partnership with Voyageurs National Park and the Department of Natural Resources, to acquire approximately 30 acres to be used for a visitor center and campground. Income generated by the campground may be used to support the facility.

Subd. 10. Administration and Contract Agreement Reimbursement

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1,340,000-0-

(a) Contract Agreement Reimbursement

\$135,000 the first year is from the trust fund to the commissioner of natural resources, at the direction of the Legislative-Citizen Commission on Minnesota Resources, for expenses incurred for contract agreement reimbursement for the agreements specified in this section. The commissioner shall provide documentation to the Legislative-Citizen Commission on Minnesota Resources on the expenditure of these funds.

(b) Legislative-Citizen Commission on Minnesota Resources (LCCMR) Administration

\$1,200,000 the first year is from the trust fund to the Legislative-Citizen Commission on Minnesota Resources for administration in fiscal years 2018 and 2019 as provided in Minnesota Statutes, section 116P.09, subdivision 5.

(c) Legislative Coordinating Commission Legacy Web site

\$5,000 the first year is from the trust fund to the Legislative Coordinating Commission for the Web site required in Minnesota Statutes, section 3.303, subdivision 10.

Subd. 11. Availability of Appropriations

Money appropriated in this section may not be spent on activities unless they are directly

related to and necessary for a specific appropriation and are specified in the work plan approved by the Legislative-Citizen Commission on Minnesota Resources. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges that are not directly related to and necessary for a specific appropriation. Costs that are directly related to and necessary for an appropriation, including financial services, human resources, information services, rent, and utilities, are eligible only if the costs can be clearly justified and individually documented specific to the appropriation's purpose and would not be generated by the recipient but for receipt of the appropriation. No broad allocations for costs in either dollars or percentages are allowed. Unless otherwise provided, the amounts in this section are available until June 30, 2019, when projects must be completed and final products delivered. For acquisition of real property, the appropriations in this section are available for an additional fiscal year if a binding contract for acquisition of the real property is entered into before the expiration date of the appropriation. If a project receives a federal grant, the time period of the appropriation is extended to equal the federal grant period.

Subd. 12. Data Availability Requirements

Data collected by the projects funded under this section must conform to guidelines and standards adopted by MN.IT Services. Spatial data must also conform to additional guidelines and standards designed to support data coordination and distribution that have been published by the Minnesota Geospatial Information Office. Descriptions of spatial data must be prepared as specified in the state's geographic metadata guideline and must be submitted to the Minnesota Geospatial Information Office. All data must be accessible and free to the public unless made private under the Data Practices Act,

Minnesota Statutes, chapter 13. To the extent practicable, summary data and results of projects funded under this section should be readily accessible on the Internet and identified as having received funding from the environment and natural resources trust fund.

Subd. 13. Project Requirements

(a) As a condition of accepting an appropriation under this section, an agency or entity receiving an appropriation or a party to an agreement from an appropriation must comply with paragraphs (b) to (l) and Minnesota Statutes, chapter 116P, and must submit a work plan and annual or semiannual progress reports in the form determined by the Legislative-Citizen Commission on Minnesota Resources for any project funded in whole or in part with funds from the appropriation. Modifications to the approved work plan and budget expenditures must be made through the amendment process established by the Legislative-Citizen Commission on Minnesota Resources.

(b) A recipient of money appropriated in this section that conducts a restoration using funds appropriated in this section must use native plant species according to the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines and include an appropriate diversity of native species selected to provide habitat for pollinators throughout the growing season as required under Minnesota Statutes, section 84.973.

(c) For all restorations conducted with money appropriated under this section, a recipient must prepare an ecological restoration and management plan that, to the degree practicable, is consistent with the highest quality conservation and ecological goals for the restoration site. Consideration should be given to soil, geology, topography, and other relevant factors that would provide the best

chance for long-term success and durability of the restoration project. The plan must include the proposed timetable for implementing the restoration, including site preparation, establishment of diverse plant species, maintenance, and additional enhancement to establish the restoration; identify long-term maintenance and management needs of the restoration and how the maintenance, management, and enhancement will be financed; and take advantage of the best available science and include innovative techniques to achieve the best restoration.

(d) An entity receiving an appropriation in this section for restoration activities must provide an initial restoration evaluation at the completion of the appropriation and an evaluation three years beyond the completion of the expenditure. Restorations must be evaluated relative to the stated goals and standards in the restoration plan, current science, and, when applicable, the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines. The evaluation must determine whether the restorations are meeting planned goals, identify any problems with the implementation of the restorations, and, if necessary, give recommendations on improving restorations. The evaluation must be focused on improving future restorations.

(e) All restoration and enhancement projects funded with money appropriated in this section must be on land permanently protected by a conservation easement or public ownership.

(f) A recipient of money from an appropriation under this section must give consideration to contracting with Conservation Corps Minnesota for contract restoration and enhancement services.

(g) All conservation easements acquired with money appropriated under this section must:

(1) be permanent;

(2) specify the parties to an easement in the easement;

(3) specify all of the provisions of an agreement that are permanent;

(4) be sent to the Legislative-Citizen Commission on Minnesota Resources in an electronic format at least ten business days before closing;

(5) include a long-term monitoring and enforcement plan and funding for monitoring and enforcing the easement agreement; and

(6) include requirements in the easement document to address specific groundwater and surface water quality protection activities such as keeping water on the landscape, reducing nutrient and contaminant loading, protecting groundwater, and not permitting artificial hydrological modifications.

(h) For any acquisition of lands or interest in lands, a recipient of money appropriated under this section must not agree to pay more than 100 percent of the appraised value for a parcel of land using this money to complete the purchase, in part or in whole, except that up to ten percent above the appraised value may be allowed to complete the purchase, in part or in whole, using this money if permission is received in advance of the purchase from the Legislative-Citizen Commission on Minnesota Resources.

(i) For any acquisition of land or interest in land, a recipient of money appropriated under this section must give priority to high-quality natural resources or conservation lands that provide natural buffers to water resources.

(j) For new lands acquired with money appropriated under this section, a recipient must prepare an ecological restoration and management plan in compliance with paragraph (c), including sufficient funding

for implementation unless the work plan addresses why a portion of the money is not necessary to achieve a high-quality restoration.

(k) To ensure public accountability for the use of public funds, within 60 days of the transaction, a recipient of money appropriated under this section must provide to the Legislative-Citizen Commission on Minnesota Resources documentation of the selection process used to identify parcels acquired and provide documentation of all related transaction costs, including but not limited to appraisals, legal fees, recording fees, commissions, other similar costs, and donations. This information must be provided for all parties involved in the transaction. The recipient must also report to the Legislative-Citizen Commission on Minnesota Resources any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal, if a state-certified or state-reviewed appraisal was conducted.

(l) A recipient of an appropriation from the trust fund under this section must acknowledge financial support from the environment and natural resources trust fund in project publications, signage, and other public communications and outreach related to work completed using the appropriation. Acknowledgment may occur, as appropriate, through use of the trust fund logo or inclusion of language attributing support from the trust fund. Each direct recipient of money appropriated in this section, as well as each recipient of a grant awarded pursuant to this section, must satisfy all reporting and other requirements incumbent upon constitutionally dedicated funding recipients as provided in Minnesota Statutes, section 3.303, subdivision 10, and chapter 116P.

Subd. 14. Payment Conditions and Capital Equipment Expenditures

(a) All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis unless otherwise provided in this section. Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after July 1, 2017, or the date the work plan is approved, whichever is later, are eligible for reimbursement unless otherwise provided in this section. Periodic payments must be made upon receiving documentation that the deliverable items articulated in the approved work plan have been achieved, including partial achievements as evidenced by approved progress reports. Reasonable amounts may be advanced to projects to accommodate cash flow needs or match federal money. The advances must be approved as part of the work plan. No expenditures for capital equipment are allowed unless expressly authorized in the project work plan.

(b) Single-source contracts as specified in the approved work plan are allowed.

Subd. 15. Purchase of Recycled and Recyclable Materials

A political subdivision, public or private corporation, or other entity that receives an appropriation under this section must use the appropriation in compliance with Minnesota Statutes, section 16C.0725, regarding purchase of recycled, repairable, and durable materials and Minnesota Statutes, section 16C.073, regarding purchase and use of paper stock and printing.

Subd. 16. Energy Conservation and Sustainable Building Guidelines

A recipient to whom an appropriation is made under this section for a capital improvement project must ensure that the project complies with the applicable energy conservation and sustainable building guidelines and standards contained in law, including Minnesota Statutes, sections

16B.325, 216C.19, and 216C.20, and rules adopted under those sections. The recipient may use the energy planning, advocacy, and State Energy Office units of the Department of Commerce to obtain information and technical assistance on energy conservation and alternative energy development relating to planning and constructing the capital improvement project.

Subd. 17. Accessibility

Structural and nonstructural facilities must meet the design standards in the Americans with Disabilities Act (ADA) accessibility guidelines.

Subd. 18. Carryforward; Extension

(a) The availability of the appropriations for the following projects are extended to June 30, 2018:

(1) Laws 2014, chapter 226, section 2, subdivision 3, paragraph (d), Evaluation of Wastewater Nitrogen and Estrogen Treatment Options;

(2) Laws 2014, chapter 226, section 2, subdivision 4, paragraph (b), Bioacoustics to Detect, Deter, and Eliminate Silver Carp;

(3) Laws 2014, chapter 226, section 2, subdivision 4, paragraph (f), Brown Marmorated Stink Bug Monitoring and Bio-Control Evaluation;

(4) Laws 2014, chapter 226, section 2, subdivision 6, paragraph (h), Nutrient Capture through Water Management and Biomass Harvesting;

(5) Laws 2014, chapter 226, section 2, subdivision 7, paragraph (b), Metropolitan Regional Park System Acquisition;

(6) Laws 2015, chapter 76, section 2, subdivision 3, paragraph (l), Genetic and Camera Techniques to Estimate Carnivore Populations;

(7) Laws 2015, chapter 76, section 2, subdivision 7, paragraph (c), Building Deconstruction to Reduce Greenhouse Gas Emissions and Solid Waste; and

(8) Laws 2015, chapter 76, section 2, subdivision 10, Emerging Issues Account.

(b) The availability of the appropriations for the following projects are extended to June 30, 2019:

(1) Laws 2014, chapter 226, section 2, subdivision 10, paragraph (c), Legislative-Citizen Commission on Minnesota Resources (LCCMR) as extended by Laws 2016, chapter 186, section 2, subdivision 18, clause (8);

(2) Laws 2015, chapter 76, section 2, subdivision 7, paragraph (a), Renewable and Sustainable Fertilizers Produced Locally;

(3) Laws 2015, chapter 76, section 2, subdivision 8, paragraph (h), Improving Community Forests Through Citizen Engagement; and

(4) Laws 2016, chapter 186, section 2, subdivision 9, paragraph (b), Minnesota Point Pine Forest Scientific and Natural Area Acquisition.

Subd. 19. Fiscal Year 2019 Recommendations

(a) For fiscal year 2019, the commission shall consider recommending loans from the corpus of the trust fund to statutory and home rule charter cities and towns with a population less than 5,000 as provided in the Minnesota Constitution, article XI, section 14. The commission shall work with the Public Facilities Authority in developing its recommendations. The commission shall include in its recommendations an analysis of using trust fund allocations for grants to the same cities and towns, including any necessary statutory changes.

(b) Any deadlines established by the Legislative-Citizen Commission on Minnesota Resources for submission of proposals for the commission's fiscal year 2019 funding recommendations are waived until July 15, 2017, for proposals authorized under this subdivision and proposals that the commission recommended for fiscal year 2018 but that did not receive funding.

Sec. 3. Minnesota Statutes 2016, section 116P.05, subdivision 2, is amended to read:

Subd. 2. **Duties.** (a) The commission shall recommend an annual or biennial legislative bill for appropriations from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08. Approval of the recommended legislative bill requires an affirmative vote of at least 12 members of the commission.

(b) It is a condition of acceptance of the appropriations made from the Minnesota environment and natural resources trust fund, and oil overcharge money under section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work plan and annual or semiannual progress reports in the form determined by the Legislative-Citizen Commission on Minnesota Resources, and comply with applicable reporting requirements under section 116P.16. None of the money provided may be spent unless the commission has approved the pertinent work plan. Modifications to the approved work plan and budget expenditures shall be made through the amendment process established by the commission. The commission shall ensure that the expenditures and outcomes described in the work plan for appropriations funded by the environment and natural resources trust fund are met.

(c) The peer review procedures created under section 116P.08 must also be used to review, comment, and report to the commission on research proposals applying for an appropriation from the oil overcharge money under section 4.071, subdivision 2.

(d) The commission may adopt operating procedures to fulfill its duties under this chapter.

(e) As part of the operating procedures, the commission shall:

(1) ensure that members' expectations are to participate in all meetings related to funding decision recommendations;

(2) recommend adequate funding for increased citizen outreach and communications for trust fund expenditure planning;

(3) allow administrative expenses as part of individual project expenditures based on need;

(4) provide for project outcome evaluation;

(5) keep the grant application, administration, and review process as simple as possible; and

(6) define and emphasize the leveraging of additional sources of money that project proposers should consider when making trust fund proposals.

Sec. 4. Minnesota Statutes 2016, section 116P.08, subdivision 1, is amended to read:

Subdivision 1. **Expenditures.** (a) Money in the trust fund may be spent only for:

- (1) the reinvest in Minnesota program as provided in section 84.95, subdivision 2;
- (2) research that contributes to increasing the effectiveness of protecting or managing the state's environment or natural resources;
- (3) collection and analysis of information that assists in developing the state's environmental and natural resources policies;
- (4) enhancement of public education, awareness, and understanding necessary for the protection, conservation, restoration, and enhancement of air, land, water, forests, fish, wildlife, and other natural resources;
- (5) capital projects for the preservation and protection of unique natural resources;
- (6) activities that preserve or enhance fish, wildlife, land, air, water, and other natural resources that otherwise may be substantially impaired or destroyed in any area of the state;
- (7) administrative and investment expenses incurred by the State Board of Investment in investing deposits to the trust fund; and
- (8) administrative expenses subject to the limits in section 116P.09.

(b) In making recommendations for expenditures from the trust fund, the commission shall give priority to funding programs and projects under paragraph (a), clauses (1) and (6). Any requests for proposals issued by the commission shall clearly indicate these priorities.

Sec. 5. Minnesota Statutes 2016, section 116P.17, subdivision 1, is amended to read:

Subdivision 1. **Commissioner approval.** (a) A recipient of an appropriation from the trust fund who acquires an interest in real property must receive written approval from the commissioner of natural resources prior to the acquisition, if the interest is acquired in whole or in part with the appropriation. A recipient must request the commissioner's approval at least ten business days before the proposed acquisition. When a recipient requests approval under this subdivision, the recipient must simultaneously submit the same information to the commission. Conservation easements to be held by the Board of Water and Soil Resources, acquisitions of land in the metropolitan regional recreation open space systems as defined under section 473.351, subdivision 1, with appropriations to the Metropolitan Council, and acquisitions specifically identified in appropriation laws are not subject to commissioner approval under this section.

(b) The commissioner shall approve acquisitions under this section only when the interest in real property:

(1) is identified as a high priority by the commissioner and meets the objectives and criteria identified in the applicable acquisition plan for the intended management status of the property; or

(2) is otherwise identified by the commissioner as a priority for state financing.

Sec. 6. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; modifying requirements for receipt of fund money; amending Minnesota Statutes 2016, sections 116P.05, subdivision 2; 116P.08, subdivision 1; 116P.17, subdivision 1."

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

Senate Conferees: Torrey N. Westrom, Bill Ingebrigtsen, Kari Dziedzic

House Conferees: Josh Heintzeman, Dale Lueck

Senator Westrom moved that the foregoing recommendations and Conference Committee Report on S.F. No. 550 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Senator Westrom moved that S.F. No. 550 and the Conference Committee Report thereon be laid on the table. The motion prevailed.

RECESS

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Westrom moved that S.F. No. 550 and the Conference Committee Report thereon be taken from the table. The motion prevailed.

The question recurred on the adoption of the Westrom motion that the foregoing recommendations and Conference Committee Report on S.F. No. 550 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.

S.F. No. 550 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 51 and nays 10, as follows:

Those who voted in the affirmative were:

Abeler	Eken	Jasinski	Nelson	Simonson
Anderson, B.	Fischbach	Jensen	Newman	Sparks
Anderson, P.	Franzen	Johnson	Newton	Tomassoni
Carlson	Frentz	Kiffmeyer	Osmek	Utke
Chamberlain	Goggin	Klein	Pappas	Weber
Clausen	Hall	Koran	Pratt	Westrom
Cwodzinski	Hayden	Lang	Relph	Wiger
Dahms	Hoffman	Latz	Rest	
Draheim	Housley	Little	Ruud	
Dziedzic	Ingebrigtsen	Lourey	Schoen	
Eichorn	Isacson	Mathews	Senjem	

Those who voted in the negative were:

Champion	Dibble	Hawj	Laine	Torres Ray
Cohen	Eaton	Kent	Marty	Wiklund

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

RECESS

Senator Dahms 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 Miller 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 Messages From the House and Introduction and First Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1354.

62ND DAY]

MONDAY, MAY 22, 2017

6077

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 22, 2017

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 550, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 550: A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; modifying requirements for receipt of fund money; amending Minnesota Statutes 2016, sections 116P.05, subdivision 2; 116P.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A.

Senate File No. 550 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 22, 2017

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. 1443, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1443 is herewith transmitted to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 22, 2017

CONFERENCE COMMITTEE REPORT ON H. F. No. 1443

A bill for an act relating to commerce; regulating insurance fraud; modifying certain penalties and notices; defining a term; clarifying the authority of the Commerce Fraud Bureau to apply for or execute search warrants; amending Minnesota Statutes 2016, sections 13.82, subdivision 17; 45.0135, subdivision 9; 60A.27, subdivision 1; 65B.84, by adding a subdivision; 626.05, subdivision 2.

May 22, 2017

The Honorable Kurt L. Daudt
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 1443 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. 1443 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2016, section 13.82, subdivision 17, is amended to read:

Subd. 17. **Protection of identities.** A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

(a) when access to the data would reveal the identity of an undercover law enforcement officer, as provided in section 13.43, subdivision 5;

(b) when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or sex trafficking under section 609.322, 609.341 to 609.3451, or 617.246, subdivision 2;

(c) when access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant;

(d) when access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual;

(e) when access to the data would reveal the identity of a deceased person whose body was unlawfully removed from a cemetery in which it was interred;

(f) when access to the data would reveal the identity of a person who placed a call to a 911 system or the identity or telephone number of a service subscriber whose phone is used to place a call to the 911 system and: (1) the agency determines that revealing the identity may threaten the personal safety or property of any person; or (2) the object of the call is to receive help in a mental health emergency. For the purposes of this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal the identity of the caller;

(g) when access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness; or

(h) when access to the data would reveal the identity of a mandated reporter under section 60A.952, subdivision 2, 609.456, 626.556, or 626.557.

Data concerning individuals whose identities are protected by this subdivision are private data about those individuals. Law enforcement agencies shall establish procedures to acquire the data

and make the decisions necessary to protect the identity of individuals described in clauses (c), (d), (f), and (g).

Sec. 2. Minnesota Statutes 2016, section 45.0135, subdivision 9, is amended to read:

Subd. 9. **Administrative penalty for insurance fraud.** (a) The commissioner may:

(1) impose an administrative penalty against any person in an amount as set forth in paragraph (b) for each intentional act of insurance fraud or substantiated acts of attempted insurance fraud as defined in section 60A.951, subdivision 4, committed by that person; ~~and~~

(2) order restitution to any person suffering loss as a result of the insurance fraud; and

(3) order restitution to a company for the reasonable documented cost of any investigation in connection with the insurance fraud.

(b) The administrative penalty for each violation described in paragraph (a) may be no more than:

(1) \$20,000 if the funds or the value of the property or services wrongfully obtained exceeds \$5,000;

(2) \$10,000 if the funds or value of the property or services wrongfully obtained exceeds \$1,000, but not more than \$5,000;

(3) \$3,000 if the funds or value of the property or services wrongfully obtained is more than \$500, but not more than \$1,000; and

(4) \$1,000 if the funds or value of the property or services wrongfully obtained is \$500 or less.

(c) If an administrative penalty is not paid after all rights of appeal have been waived or exhausted, the commissioner may bring a civil action in a court of competent jurisdiction to collect the administrative penalty, including expenses and litigation costs, reasonable attorney fees, and interest.

(d) This section does not affect a person's right to seek recovery, including expenses and litigation costs, reasonable attorney fees, and interest, against any person that commits insurance fraud.

(e) For purposes of this subdivision, "insurance fraud" has the meaning given in section 60A.951, subdivision 4.

(f) Hearings under this subdivision must be conducted in accordance with chapter 14 and any other applicable law.

(g) All revenues from penalties, expenses, costs, fees, and interest collected under paragraphs (a) to (c) shall be deposited in the insurance fraud prevention account under subdivision 6.

Sec. 3. Minnesota Statutes 2016, section 60A.27, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** An insurance company licensed to transact business in this state is hereby required to notify the commissioner of commerce within ten business days of the happening of any one or more of the following:

(1) the suspension or revocation of its right to transact business in another state; or

(2) the receipt by the insurance company of an order to show why its license should not be suspended or revoked; ~~or~~

~~(3) the imposition of a penalty by any other state for any violation of the insurance laws of such other state.~~

Sec. 4. Minnesota Statutes 2016, section 65B.84, is amended by adding a subdivision to read:

Subd. 5. **Definition.** For purposes of this section, "automobile theft" includes automobile-related theft.

Sec. 5. Minnesota Statutes 2016, section 626.05, subdivision 2, is amended to read:

Subd. 2. **Peace officer.** The term "peace officer," as used in sections 626.04 to 626.17, means a person who is licensed as a peace officer in accordance with section 626.84, subdivision 1, and who serves as a sheriff, deputy sheriff, police officer, conservation officer, agent of the Bureau of Criminal Apprehension, agent of the Division of Alcohol and Gambling Enforcement, peace officer of the Commerce Fraud Bureau, University of Minnesota peace officer, Metropolitan Transit police officer, Minnesota Department of Corrections Fugitive Apprehension Unit member, or State Patrol trooper as authorized by section 299D.03.

Sec. 6. **EFFECTIVE DATE.**

Sections 1 to 5 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to commerce; regulating insurance fraud; modifying certain penalties and notices; defining a term; clarifying the authority of the Commerce Fraud Bureau to apply for or execute search warrants; amending Minnesota Statutes 2016, sections 13.82, subdivision 17; 45.0135, subdivision 9; 60A.27, subdivision 1; 65B.84, by adding a subdivision; 626.05, subdivision 2."

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

House Conferees: Bob Loonan, Barb Haley, Debra Hilstrom

Senate Conferees: Paul Utke, Gary H. Dahms

Senator Utke moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1443 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. 1443 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 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dahms Newman

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Anderson, P. introduced--

S.F. No. 2434: A bill for an act relating to workforce development; modifying the use of workforce development funds; requiring a report; amending Minnesota Statutes 2016, sections 116L.17, subdivision 2; 116L.19, by adding subdivisions; 116L.20, subdivision 2, by adding a subdivision; 116L.98, subdivisions 1, 3, 4, 5, 7; proposing coding for new law in Minnesota Statutes, chapter 116L.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

Senator Rosen introduced--

S.F. No. 2435: A bill for an act relating to capital investment; appropriating money for renovating the community center and fire hall in the city of LaSalle; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Pappas introduced--

S.F. No. 2436: A bill for an act relating to capital investment; appropriating money for a YMCA facility in St. Paul.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

Senator Osmek introduced--

S.F. No. 2437: A bill for an act relating to public safety; requiring administrative impoundment of license plates of a level III predatory offender; proposing coding for new law in Minnesota Statutes, chapter 168.

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

Senators Latz; Limmer; Relph; Anderson, B.; and Johnson introduced--

S.F. No. 2438: A bill for an act relating to commerce; requiring telecommunications service providers to comply with Internet privacy requirements; defining terms and modifying definitions; requiring express approval of disclosure of personally identifiable information; increasing civil liability threshold; amending Minnesota Statutes 2016, sections 325M.01; 325M.02; 325M.03; 325M.04; 325M.05; 325M.07; 325M.08.

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

Senator Newman introduced--

S.F. No. 2439: A bill for an act relating to transportation; governing transportation finance; proposing an amendment to the Minnesota Constitution, article XIV, section 5, and by adding sections to article XIV; allocating certain state tax revenue related to motor vehicle repair or maintenance and rental cars exclusively to fund roads; amending Minnesota Statutes 2016, section 297A.94.

Referred to the Committee on Transportation Finance and Policy.

Senator Newman introduced--

S.F. No. 2440: A bill for an act relating to capital investment; appropriating money to repair and rehabilitate the Kellogg Boulevard bridge in St. Paul; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Newman introduced--

S.F. No. 2441: A bill for an act relating to capital investment; appropriating money to repair and rehabilitate the 10th Avenue bridge in Minneapolis; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Champion introduced--

S.F. No. 2442: A bill for an act relating to environment; prioritizing bus upgrades to areas with poor air quality; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senators Hoffman, Latz, Frentz, Little, and Lourey introduced--

S.F. No. 2443: A bill for an act relating to legislative enactments; providing for the expiration of uncodified law in certain appropriation or tax laws; proposing coding for new law in Minnesota Statutes, chapter 645.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Miller moved that S.F. No. 2384 be withdrawn from the Committee on Rules and Administration, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 2384 was read the second time.

SUSPENSION OF RULES

Senator Miller moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 2384 and that the rules of the Senate be so far suspended as to give S.F. No. 2384, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 2384: A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors.

Senator Limmer moves to amend S.F. No. 2384 as follows:

Page 1, after line 11, insert:

"Sec. [CORR17-01] Minnesota Statutes, section 168.1294, as added by Laws 2017, chapter 55, section 1, is amended to read:

168.1294 LAW ENFORCEMENT MEMORIAL PLATES.

Subdivision 1. **Issuance of plates.** The commissioner shall issue special law enforcement memorial license plates or a single motorcycle plate to an applicant who:

(1) is a registered owner of a passenger automobile, noncommercial one-ton pickup truck, motorcycle, or recreational motor vehicle;

(2) pays an additional fee of \$10 for each set of plates;

(3) pays the registration tax as required under section 168.013, along with any other fees required by this chapter;

(4) contributes \$25 upon initial application and a minimum of \$5 annually to the Minnesota law enforcement memorial account; and

(5) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

Subd. 2. **Design.** The commissioner, in consultation with representatives from the Minnesota Law Enforcement Memorial Association, shall adopt a suitable design for the plate that must include a ~~black blue~~ line with a ~~blue black~~ line of equal proportion above and below the ~~black blue~~ line, representing the thin blue line.

Subd. 3. **Plates transfer.** On application to the commissioner and payment of a transfer fee of \$5, special plates may be transferred to another qualified motor vehicle that is registered to the same individual to whom the special plates were originally issued.

Subd. 4. **Exemption.** Special plates issued under this section are not subject to section 168.1293, subdivision 2.

Subd. 5. **Fees.** Fees collected under subdivision 1, clauses (2) and (3), and subdivision 3 are credited to the vehicle services operating account in the special revenue fund.

Subd. 6. **Contributions; memorial account; appropriation.** Contributions collected under subdivision 1, clause (4), must be deposited in the Minnesota law enforcement memorial account, which is established in the special revenue fund. Money in the account is appropriated to the commissioner of public safety. This appropriation is first for the annual cost of administering the account funds, and the remaining funds are for distribution to the Minnesota Law Enforcement Memorial Association, to be used to further the mission of the association in assisting the families and home agencies of Minnesota law enforcement officers who have died in the line of duty.

Sec. [CORR17-02A] Minnesota Statutes 2016, section 515B.1-103, as amended by 2017 H.F. No. 1538, if enacted, is amended to read:

515B.1-103 DEFINITIONS.

In the declaration and bylaws, unless specifically provided otherwise or the context otherwise requires, and in this chapter:

(1) "Additional real estate" means real estate that may be added to a flexible common interest community.

(2) "Affiliate of a declarant" means any person who controls, is controlled by, or is under common control with a declarant.

(A) A person "controls" a declarant if the person (i) is a general partner, officer, director, or employer of the declarant, (ii) directly or indirectly or acting in concert with one or more other

persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 percent of the voting interest in the declarant, (iii) controls in any manner the election of a majority of the directors of the declarant, or (iv) has contributed more than 20 percent of the capital of the declarant.

(B) A person "is controlled by" a declarant if the declarant (i) is a general partner, officer, director, or employer of the person, (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 percent of the voting interest in the person, (iii) controls in any manner the election of a majority of the directors of the person, or (iv) has contributed more than 20 percent of the capital of the person.

(C) Control does not exist if the powers described in this subsection are held solely as a security interest and have not been exercised.

(3) "Allocated interests" means the following interests allocated to each unit: (i) in a condominium, the undivided interest in the common elements, the common expense liability, and votes in the association; (ii) in a cooperative, the common expense liability and the ownership interest and votes in the association; and (iii) in a planned community, the common expense liability and votes in the association.

(4) "Association" means the unit owners' association organized under section 515B.3-101.

(5) "Board" means the body, regardless of name, designated in the articles of incorporation, bylaws or declaration to act on behalf of the association, or on behalf of a master association when so identified.

(6) "CIC plat" means a common interest community plat described in section 515B.2-110.

(7) "Common elements" means all portions of the common interest community other than the units.

(8) "Common expenses" means expenditures made or liabilities incurred by or on behalf of the association, or master association when so identified, together with any allocations to reserves.

(9) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to section 515B.2-108.

(10) "Common interest community" or "CIC" means contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on, one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate which satisfies the definition of a common interest community is a common interest community whether or not it is subject to this chapter. Real estate subject to a master declaration, regardless of when the master declaration was recorded, shall not collectively constitute a separate common interest community unless so stated in the master declaration.

(11) "Condominium" means a common interest community in which (i) portions of the real estate are designated as units, (ii) the remainder of the real estate is designated for common ownership solely by the owners of the units, and (iii) undivided interests in the common elements are vested in the unit owners.

(11a) "Construction defect claim" means a civil action or an arbitration proceeding based on any legal theory including, but not limited to, claims under chapter 327A for damages, indemnity, or contribution brought against a development party to assert a claim, counterclaim, cross-claim, or third-party claim for damages or loss to, or the loss of use of, real or personal property caused by a defect in the initial design or construction of an improvement to real property that is part of a common interest community, including an improvement that is constructed on additional real estate pursuant to section ~~515B.2-124~~ 515B.2-111. "Construction defect claim" does not include claims related to subsequent maintenance, repairs, alterations, or modifications to, or the addition of, improvements that are part of the common interest community, and that are contracted for by the association or a unit owner.

(12) "Conversion property" means real estate on which is located a building that at any time within two years before creation of the common interest community was occupied for residential use wholly or partially by persons other than purchasers and persons who occupy with the consent of purchasers.

(13) "Cooperative" means a common interest community in which the real estate is owned by an association, each of whose members is entitled to a proprietary lease by virtue of the member's ownership interest in the association.

(14) "Dealer" means a person in the business of selling units for the person's own account.

(15) "Declarant" means:

(i) if the common interest community has been created, (A) any person who has executed a declaration, or a supplemental declaration or amendment to a declaration adding additional real estate, except secured parties, a spouse holding only an inchoate interest, persons whose interests in the real estate will not be transferred to unit owners, or, in the case of a leasehold common interest community, a lessor who possesses no special declarant rights and who is not an affiliate of a declarant who possesses special declarant rights, or (B) any person who reserves, or succeeds under section 515B.3-104 to any special declarant rights; or

(ii) any person or persons acting in concert who have offered prior to creation of the common interest community to transfer their interest in a unit to be created and not previously transferred.

(16) "Declaration" means any instrument, however denominated, that creates a common interest community.

(16a) "Development party" means an architect, contractor, construction manager, subcontractor, developer, declarant, engineer, or private inspector performing or furnishing the design, supervision, inspection, construction, coordination, or observation of the construction of any improvement to real property that is part of a common interest community, or any of the person's affiliates, officers, directors, shareholders, members, or employees.

(17) "Dispose" or "disposition" means a voluntary transfer to a purchaser of any legal or equitable interest in the common interest community, but the term does not include the transfer or release of a security interest.

(18) "Flexible common interest community" means a common interest community to which additional real estate may be added.

(19) "Leasehold common interest community" means a common interest community in which all or a portion of the real estate is subject to a lease the expiration or termination of which will terminate the common interest community or reduce its size.

(20) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of section 515B.2-109 (c) or (d) for the exclusive use of one or more but fewer than all of the units.

(21) "Master association" means an entity created on or after June 1, 1994, that directly or indirectly exercises any of the powers set forth in section 515B.3-102 on behalf of one or more members described in section 515B.2-121 (b), (i), (ii) or (iii), whether or not it also exercises those powers on behalf of one or more property owners' associations described in section 515B.2-121 (b)(iv). A person (i) hired by an association to perform maintenance, repair, accounting, bookkeeping or management services, or (ii) granted authority under an instrument recorded primarily for the purpose of creating rights or obligations with respect to utilities, access, drainage, or recreational amenities, is not, solely by reason of that relationship, a master association.

(22) "Master declaration" means a written instrument, however named, (i) recorded on or after June 1, 1994, and (ii) complying with section 515B.2-121, subsection (e).

(23) "Master developer" means a person who is designated in the master declaration as a master developer or, in the absence of such a designation, the owner or owners of the real estate subject to the master declaration at the time the master declaration is recorded, except (i) secured parties and (ii) a spouse holding only an inchoate interest. A master developer is not a declarant unless the master declaration states that the real estate subject to the master declaration collectively is or collectively will be a separate common interest community.

(24) "Period of declarant control" means the time period provided for in section 515B.3-103 (c) during which the declarant may appoint and remove officers and directors of the association.

(25) "Person" means an individual, corporation, limited liability company, partnership, trustee under a trust, personal representative, guardian, conservator, government, governmental subdivision or agency, or other legal or commercial entity capable of holding title to real estate.

(26) "Planned community" means a common interest community that is not a condominium or a cooperative. A condominium or cooperative may be a part of a planned community.

(27) "Proprietary lease" means an agreement with a cooperative association whereby a member of the association is entitled to exclusive possession of a unit in the cooperative.

(28) "Purchaser" means a person, other than a declarant, who by means of a voluntary transfer acquires a legal or equitable interest in a unit other than (i) a leasehold interest of less than 20 years, including renewal options, or (ii) a security interest.

(29) "Real estate" means any fee simple, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests that by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" may include spaces with or without upper or lower boundaries, or spaces without physical boundaries.

(30) "Residential use" means use as a dwelling, whether primary, secondary or seasonal, but not transient use such as hotels or motels.

(31) "Secured party" means the person owning a security interest as defined in paragraph (32).

(32) "Security interest" means a perfected interest in real estate or personal property, created by contract or conveyance, which secures payment or performance of an obligation. The term includes a mortgagee's interest in a mortgage, a vendor's interest in a contract for deed, a lessor's interest in a lease intended as security, a holder's interest in a sheriff's certificate of sale during the period of redemption, an assignee's interest in an assignment of leases or rents intended as security, in a cooperative, a lender's interest in a member's ownership interest in the association, a pledgee's interest in the pledge of an ownership interest, or any other interest intended as security for an obligation under a written agreement.

(33a) This definition of special declarant rights applies only to common interest communities created before August 1, 2010. "Special declarant rights" means rights reserved in the declaration for the benefit of a declarant to:

(i) complete improvements indicated on the CIC plat, planned by the declarant consistent with the disclosure statement or authorized by the municipality in which the CIC is located;

(ii) add additional real estate to a common interest community;

(iii) subdivide or combine units, or convert units into common elements, limited common elements, or units;

(iv) maintain sales offices, management offices, signs advertising the common interest community, and models;

(v) use easements through the common elements for the purpose of making improvements within the common interest community or any additional real estate;

(vi) create a master association and provide for the exercise of authority by the master association over the common interest community or its unit owners;

(vii) merge or consolidate a common interest community with another common interest community of the same form of ownership; or

(viii) appoint or remove any officer or director of the association, or the master association where applicable, during any period of declarant control.

(33b) This definition of special declarant rights applies only to common interest communities created on or after August 1, 2010. "Special declarant rights" means rights reserved in the declaration for the benefit of a declarant and expressly identified in the declaration as special declarant rights. Such special declarant rights may include but are not limited to the following:

(i) to complete improvements indicated on the CIC plat, planned by the declarant consistent with the disclosure statement or authorized by the municipality in which the common interest community is located, and to have and use easements for itself and its employees, agents, and contractors through the common elements for such purposes;

(ii) to add additional real estate to a common interest community;

(iii) to subdivide or combine units, or convert units into common elements, limited common elements and/or units, pursuant to section 515B.2-112;

(iv) to maintain and use sales offices, management offices, signs advertising the common interest community, and models, and to have and use easements for itself and its employees, agents, and invitees through the common elements for such purposes;

(v) to appoint or remove any officer or director of the association during any period of declarant control;

(vi) to utilize an alternate common expense plan as provided in section 515B.3-115 (a)(2);

(vii) to grant common element licenses as provided in section 515B.2-109 (e); or

(viii) to review, and approve or disapprove, the exterior design, materials, size, site location, and other exterior features of buildings and other structures, landscaping and other exterior improvements, located within the common interest community, and any modifications or alterations thereto.

Special declarant rights shall not be reserved or utilized for the purpose of evading any limitation or obligation imposed on declarants by this chapter.

(34) "Time share" means a right to occupy a unit or any of several units during three or more separate time periods over a period of at least three years, including renewal options, whether or not coupled with a fee title interest in the common interest community or a specified portion thereof.

(35) "Unit" means a portion of a common interest community the boundaries of which are described in the common interest community's declaration and which is intended for separate ownership, or separate occupancy pursuant to a proprietary lease.

(36) "Unit identifier" means English letters or Arabic numerals, or a combination thereof, which identify only one unit in a common interest community and which meet the requirements of section 515B.2-104.

(37) "Unit owner" means a declarant or other person who owns a unit, a lessee under a proprietary lease, or a lessee of a unit in a leasehold common interest community whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the

common interest community, but does not include a secured party. In a common interest community, the declarant is the unit owner of a unit until that unit has been conveyed to another person.

Sec. [CORR17-02B] Minnesota Statutes 2016, section 515B.4-116, as amended by 2017 H.F. No. 1538, if enacted, is amended to read:

515B.4-116 RIGHTS OF ACTION; ATTORNEY'S FEES.

(a) In addition to any other rights to recover damages, attorney's fees, costs or expenses, whether authorized by this chapter or otherwise, if a declarant, an association, or any other person violates any provision of this chapter, or any provision of the declaration, bylaws, or rules and regulations any person or class of persons adversely affected by the failure to comply has a claim for appropriate relief. Subject to the requirements of section 515B.3-102, the association shall have standing to pursue claims on behalf of the unit owners of two or more units.

(b) The court may award reasonable attorney's fees and costs of litigation to the prevailing party. Punitive damages may be awarded for a willful failure to comply.

(c) As a condition precedent to any construction defect claim, the parties to the claim must submit the matter to mediation before a mutually agreeable neutral third party ~~under Rules of Civil Procedure, rule 114.02 (7).~~ For the purposes of this section, mediation has the meaning given under the General Rules of Practice, rule 114.02(7). If the parties are not able to agree on a neutral third-party mediator from the roster maintained by the Minnesota Supreme Court, the parties may petition the district court in the jurisdiction in which the common interest community is located to appoint a mediator. The applicable statute of limitations and statute of repose for an action based on breach of a warranty imposed by this section, or any other action in contract, tort, or other law for any injury to real or personal property or bodily injury or wrongful death arising out of the alleged construction defect, is tolled from the date that any party makes a written demand for mediation under this section until the latest of the following:

- (1) five business days after mediation is completed; or
- (2) 180 days.

Notwithstanding the foregoing, mediation shall not be required prior to commencement of a construction defect claim if the parties have completed home warranty dispute resolution under section 327A.051.

(d) The remedies provided for under this chapter are not exclusive and do not abrogate any remedies under other statutes or the common law, notwithstanding whether those remedies are referred to in this chapter.

Sec. [CORR17-03A] 2017 S.F. No. 514, article 3, section 1, if enacted, is amended to read:

Section 1. **MORRISON COUNTY RECORDER MAY BE APPOINTED.**

Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Morrison County Board of Commissioners,

the office of county recorder is not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. **Incumbents to complete term.** The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a resolution to provide for the appointment of the county recorder, the county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county and in the official publication of each city located wholly or partly in the county. Following publication and prior to formally adopting the resolution, the county board shall provide an opportunity at two separate meetings for public comment relating to the issue. One meeting must be held between the hours of 8:00 a.m. and 5:00 p.m. and the other meeting must be held between the hours of 5:00 p.m. and 9:00 p.m. The meetings may be regular or special meetings. After the public comment opportunity at the second meeting, at the same meeting or a subsequent meeting, the county board of commissioners may adopt a resolution that provides for the appointment of the county recorder as permitted in this section. The resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ~~ten~~ five percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county recorder must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ~~five~~ ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

Sec. [CORR17-03B] 2017 S.F. No. 514, article 3, section 2, if enacted, is amended to read:

Sec. 2. BENTON COUNTY RECORDER MAY BE APPOINTED.

Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Benton County Board of Commissioners, the office of county recorder is not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. **Incumbents to complete term.** The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a resolution to provide for the appointment of the county recorder, the county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county and in the official publication of each city located wholly or partly in the county. Following publication and prior to formally adopting the resolution, the county board shall provide an opportunity at two separate meetings for public comment relating to the issue. One meeting must be held between the hours of 8:00 a.m. and 5:00 p.m. and the other meeting must be held between the hours of 5:00 p.m. and 9:00 p.m. The meetings may be regular or special meetings. After the public comment opportunity at the second meeting, at the same meeting or a subsequent meeting, the county board of commissioners may adopt a resolution that provides for the appointment of the county recorder as permitted in this section. The resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ~~ten~~ five percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county recorder must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ~~five~~ ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

Sec. [CORR17-03C] 2017 S.F. No. 514, article 3, section 3, if enacted, is amended to read:

Sec. 3. **PINE COUNTY AUDITOR-TREASURER MAY BE APPOINTED.**

Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Pine County Board of Commissioners, the office of county auditor-treasurer is not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a resolution by the county board of commissioners and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. **Incumbent to complete term.** The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a resolution to provide for the appointment of the county auditor-treasurer, the county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county and in the official publication of each city located wholly or partly in the county. Following publication and prior to formally adopting the resolution, the county board shall provide an opportunity at two separate meetings for public comment relating to the issue. One meeting must be held between the hours of 8:00 a.m. and 5:00 p.m. and the other meeting must be held between the hours of 5:00 p.m. and 9:00 p.m. The meetings may be regular or special meetings. After the public comment opportunity at the second meeting, at the same meeting or a subsequent meeting, the county board of commissioners may adopt a resolution that provides for the appointment of the county auditor-treasurer as permitted in this section. The resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ~~ten~~ five percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county auditor-treasurer must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ~~five~~ ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

Sec. [CORR17-03D] 2017 S.F. No. 514, article 3, section 4, if enacted, is amended to read:

Sec. 4. STEARNS COUNTY RECORDER MAY BE APPOINTED.

Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Stearns County Board of Commissioners, the office of county recorder is not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. **Incumbents to complete term.** The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a resolution to provide for the appointment of the county recorder, the county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county and in the official publication of each city located wholly or partly in the county. Following publication and prior to formally adopting the resolution, the county board shall provide an opportunity at two separate meetings for public comment relating to the issue. One meeting must be held between the hours of 8:00 a.m. and 5:00 p.m. and the other meeting must be held between the hours of 5:00 p.m. and 9:00 p.m. The meetings may be regular or special meetings. After the public comment opportunity at the second meeting, at the same meeting or a subsequent meeting, the county board of commissioners may adopt a resolution that provides for the appointment of the county recorder as permitted in this section. The resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ~~ten~~ five percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county recorder must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ~~five~~ ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

Sec. [CORR17-03E] 2017 S.F. No. 514, article 3, section 5, if enacted, is amended to read:

Sec. 5. MARSHALL COUNTY RECORDER MAY BE APPOINTED.

Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Marshall County Board of Commissioners, the office of county recorder is not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. **Incumbents to complete term.** The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a resolution to provide for the appointment of the county recorder, the county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county and in the official publication of each city located

wholly or partly in the county. Following publication and prior to formally adopting the resolution, the county board shall provide an opportunity at two separate meetings for public comment relating to the issue. One meeting must be held between the hours of 8:00 a.m. and 5:00 p.m. and the other meeting must be held between the hours of 5:00 p.m. and 9:00 p.m. The meetings may be regular or special meetings. After the public comment opportunity at the second meeting, at the same meeting or a subsequent meeting, the county board of commissioners may adopt a resolution that provides for the appointment of the county recorder as permitted in this section. The resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ~~ten~~ five percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county recorder must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

Subd. 5. Reverting to elected offices. (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ~~five~~ ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

Sec. [CORR17-03F] 2017 S.F. No. 514, article 3, section 6, if enacted, is amended to read:

Sec. 6. RICE COUNTY AUDITOR-TREASURER AND RECORDER MAY BE APPOINTED.

Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Rice County Board of Commissioners, the offices of county auditor-treasurer and county recorder are not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. **Incumbents to complete term.** The person elected at the last general election to an office made appointive under this section must serve in that elected capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a resolution to provide for the appointment of the county auditor-treasurer and county recorder, the county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county and in the official publication of each city located wholly or partly in the county. Following publication and prior to formally adopting the resolution, the county board shall provide an opportunity at two separate meetings for public comment relating to the issue. One meeting must be held between the hours of 8:00 a.m. and 5:00 p.m. and the other meeting must be held between the hours of 5:00 p.m. and 9:00 p.m. The meetings may be regular or special meetings. After the public comment opportunity at the second meeting, at the same meeting or a subsequent meeting, the county board of commissioners may adopt a resolution that provides for the appointment of the county auditor-treasurer and county recorder as permitted in this section. The resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ~~ten~~ five percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county auditor-treasurer and county recorder must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week or two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the

resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ~~five~~ ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

Sec. [CORR17-05] 2017 S.F. No. 1456, article 8, section 5, if enacted, is amended to read:

Sec. 5. **[72A.328] AFFINITY GROUP.**

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

(b) "Affinity program" means a group of individuals who are members of an entity that offers individuals benefits based on their membership in that entity. Affinity program does not include an entity that obtains group insurance, as defined in section 60A.02, subdivision 28, or risk retention groups as defined in section 60E.02, subdivision 12.

(c) "Policy" means an individually underwritten policy of private passenger vehicle insurance, as defined in section 65B.001, subdivision 2, ~~or~~ an individually underwritten policy of homeowner's insurance, as defined in section 65A.27, subdivision 4, or an individually underwritten policy issued under section 60A.06, subdivision 1, clause (10).

Subd. 2. **Discount.** An insurance company may offer an individual a discount or other benefit relating to a policy based on the individual's membership in an affinity program if:

(1) the benefit or discount is based on an actuarial justification; and

(2) the insurance company offers the benefit or discount to all members of the affinity program eligible for the discount or benefit."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2384 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senators Gazelka and Bakk introduced --

Senate Resolution No. 122: A Senate resolution relating to the establishment of the Select Committee on Health Care Consumer Access and Affordability.

BE IT RESOLVED, by the Senate of the State of Minnesota:

Pursuant to Mason's Manual of Legislative Procedure, Sections 639 to 645, the Select Committee on Health Care Consumer Access and Affordability is established to make findings and recommendations to the Senate regarding issues affecting consumer access to health care, including, but not limited to, the cost of health care. The Select Committee has no other authority with respect to the consideration of bills, and bills may not be referred to the Select Committee. The Subcommittee on Committees shall appoint seven members of the Senate to the membership of the Select Committee and shall designate the chair and vice-chair of the Select Committee from its membership.

The Select Committee shall be dissolved upon the adjournment sine die of the 2018 Senate, 90th Session.

Senator Gazelka moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

MEMBERS EXCUSED

Senator Rest was excused from the Session of today from 7:00 to 7:50 a.m. Senator Bakk was excused from the Session of today from 6:15 to 7:00 p.m., from 9:40 to 9:50 p.m., and from 11:25 to 11:35 p.m. Senators Benson, Gazelka, Limmer, Miller, and Rosen were excused from the Session of today from 9:40 to 9:50 p.m. Senator Ingebrigtsen was excused from the Session of today from 11:25 to 11:45 p.m.

62ND DAY]

MONDAY, MAY 22, 2017

6101

ADJOURNMENT

Senator Gazelka moved that the Senate do now adjourn until 12:00 noon, Tuesday, February 20, 2018. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

