

FIFTY-SIXTH DAY

St. Paul, Minnesota, Tuesday, April 25, 2023

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

President Champion called Senator Klein to preside.

Prayer was offered by the Chaplain, Pastor Dan Mielke.

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

The roll was called, and the following Senators were present:

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned:

S.F. No. 10: A bill for an act relating to labor and industry; providing for use of skilled and trained contractor workforces at petroleum refineries; amending Minnesota Statutes 2022, section 177.27, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 181.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned April 24, 2023

Mr. President:

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

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

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

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned April 24, 2023

Senator Champion moved that the Senate do not concur in the amendments by the House to S.F. No. 3035, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 36.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted April 24, 2023

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 36: A bill for an act relating to employment; establishing worker safety requirements; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 182.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Senator Boldon moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on H.F. No. 1200 and S.F. Nos. 1959, 200, and 1267. The motion prevailed.

Senator Latz from the Committee on Judiciary and Public Safety, to which was referred

H.F. No. 1200: A bill for an act relating to corrections; requiring state and local jail and prison inmates to be housed in publicly owned and operated jails and prisons; prohibiting the state and counties from contracting with private prisons; amending Minnesota Statutes 2022, section 241.01, subdivision 3a; proposing coding for new law in Minnesota Statutes, chapters 243; 641.

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Latz from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 1959: A bill for an act relating to labor; modifying peace officer duty disability provisions; requiring a report; appropriating money; amending Minnesota Statutes 2022, sections 299A.465, subdivision 4; 352B.10, subdivisions 2a, 4; 352B.101; 353.031, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 352B; 353; 626.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2022, section 299A.42, is amended to read:

299A.42 PUBLIC SAFETY OFFICER'S BENEFIT ACCOUNT.

Subdivision 1. **Public safety officer's benefit account.** The public safety officer's benefit account is created in the state treasury. Money in the account consists of money transferred and appropriated to that account. Money in the account that is not expended in the fiscal year in which it is transferred or appropriated does not revert to the general fund until claims for reimbursement under section 299A.465 that are submitted in that fiscal year are either paid or denied.

Subd. 2. **Annual report.** The commissioner of public safety must annually report, no later than 30 days after the end of each fiscal year, to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety and pensions regarding the financial status of the public safety officer's benefit account; the reimbursements paid by the commissioner during the preceding fiscal year under sections 299A.465, 352B.102, and 353.032; and payments, if any, made during the preceding fiscal year under sections 352B.103 and 353.033. If the commissioner anticipates, based on historical averages, that the public safety officer's benefit account will not have enough money to fund all reimbursements the commissioner reasonably anticipates will be requested under sections 299A.465, 352B.102, and 353.032 and payments for which invoices will be received under sections 352B.103 and 353.033 for the current and next fiscal year, the commissioner must include in the report the amounts the commissioner believes are necessary to fund the anticipated reimbursements and payments.

Sec. 2. Minnesota Statutes 2022, section 299A.465, subdivision 4, is amended to read:

Subd. 4. **Public employer reimbursement.** (a) A public employer ~~subject to this section~~ may annually apply by August 1 for the preceding fiscal year to the commissioner of public safety for reimbursement ~~to help defray a portion~~ of its costs of complying with this section and section 352B.102 and section 353.032. Except as provided for in paragraph (b), the commissioner shall provide ~~an equal pro rata share~~ reimbursement to the public employer out of the public safety officer's benefit account. ~~based on the availability of funds for each eligible officer, firefighter, and qualifying dependents. Individual shares must not exceed the actual costs of providing coverage under this section by a public employer.~~

(b) Beginning on January 1, 2024, a public employer is not eligible for reimbursement under paragraph (a) unless the employer provides at least one of the following:

(1) annual wellness training to peace officers and firefighters who either are employed or volunteer for the employer; or

(2) an employee assistance program or peer support program.

(c) Wellness training for peace officers under paragraph (b), clause (1), must incorporate the learning objectives established by the Peace Officer Standards and Training Board under section 626.8478. No later than February 1, 2024, the Minnesota Fire Initiative must create a wellness training program for public employers to offer to firefighters to satisfy the requirements of paragraph (b). Training programs established in the Hometown Heroes Assistance Program under section 299A.477, subdivision 2, clause (4), satisfy the requirements of paragraph (b).

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 3. Minnesota Statutes 2022, section 352B.10, subdivision 1, is amended to read:

Subdivision 1. **Duty disability.** (a) A member who is determined to qualify for duty disability as defined in section 352B.011, subdivision 7, is entitled to receive a duty disability benefit while disabled. The benefits must be paid monthly. The duty disability benefit is an amount equal to the member's average monthly salary multiplied by 60 percent, plus an additional 3.0 percent for each year and pro rata for completed months of service in excess of 20 years, if any.

(b) Notwithstanding paragraph (a), if the member has applied for a duty disability based on a psychological condition, the application must be supported by evidence that the applicant is unable to perform the duties of the position held by the applicant on the date of the injury or event or the onset of the mental illness or of another position with the employer which provides salary and employer-provided benefits, including pension benefits, that are equal to or greater than those for the position held by the employee on the date of the injury, event, or onset of the mental illness.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 4. Minnesota Statutes 2022, section 352B.10, subdivision 2a, is amended to read:

Subd. 2a. **Applying for benefits; accrual.** No application for disability benefits shall be made until after the last day physically on the job. The disability benefit begins to accrue the day following the last day for which the employee is paid sick leave or annual leave but not earlier than 180 days before the date the application is filed. A member who is terminated must file a written application in an office of the system or with a person authorized by the executive director. Except as otherwise specified under section 352B.102, applications must comply with section 352.113, subdivision 2, paragraph (b).

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 5. Minnesota Statutes 2022, section 352B.10, subdivision 4, is amended to read:

Subd. 4. **Proof of disability.** (a) No disability benefits may be paid unless the member provides adequate proof to the executive director of the existence of the disability.

(b) Adequate proof of a disability must include a written expert report by a licensed physician, an APRN, or a licensed chiropractor, or with respect to a mental impairment, by a licensed psychologist. Adequate proof of a disability based on a psychological condition, as defined under section 352B.102, subdivision 1, clause (6), must include the medical reports and assessments required under section 352B.102.

(c) Following the commencement of benefit payments, the executive director has the right, at reasonable times, to require the disability benefit recipient to submit proof of the continuance of the disability claimed.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 6. Minnesota Statutes 2022, section 352B.101, is amended to read:

352B.101 APPLICATION FOR DISABILITY BENEFIT.

(a) Except as otherwise specified under section 352B.102 and paragraph (b), a member claiming a disability benefit must file a written application for benefits in the office of the system in a form

and manner prescribed by the executive director. The member shall provide medical or psychological evidence to support the application. The benefit begins to accrue the day following the start of disability or the day following the last day for which the member was paid, whichever is later, but not earlier than 180 days before the date the application is filed with the executive director.

(b) Notwithstanding any law to the contrary, an employee, as defined in section 352B.102, subdivision 1, clause (2), who applies for a duty disability benefit based on a psychological condition, as defined in section 352B.102, subdivision 1, clause (6), is not eligible for duty disability benefits under this chapter until the employee has satisfied the additional procedure, including all completion of treatment requirements under section 352B.102.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 7. **[352B.102] APPLICATION FOR PSYCHOLOGICAL CONDITION TREATMENT.**

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

(1) "mental illness" means the diagnosis of a mental illness by a mental health professional, by meeting the criteria for a condition or conditions included in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association;

(2) "employee" means an individual diagnosed with a mental illness who is a:

(i) current member under section 352B.011, subdivision 10; or

(ii) former member under section 352B.011, subdivision 10, within 18 months of termination of employment;

(3) "employing entity" means the entity that pays a state employee's salary and remits retirement contributions;

(4) "mental health professional" has the meaning given in section 245I.02, subdivision 27;

(5) "peace officer" has the meaning given in section 299A.465, subdivision 5, paragraph (a);

(6) "psychological condition" means a mental illness as defined in clause (1); and

(7) "treatment" includes but is not limited to active participation in psychological, psychopharmaceutical, and functional neurological approaches and active participation in the International Association of Fire Fighters Center of Excellence for Behavioral Health Treatment and Recovery. Treatment includes utilization of multiple treatment modalities, including chemical dependency treatment when indicated, and evidence-based trauma treatment.

Subd. 2. **Application; dual diagnosis.** (a) Notwithstanding any law to the contrary, and except as provided in paragraph (b), the procedure in this section applies to an application for a duty disability by an employee based on the employee's psychological condition.

(b) The additional procedure in this section does not apply to a duty disability application under paragraph (a) that is also based on a dual diagnosis of a physical condition. An employee with a

dual diagnosis may, but is not required to, seek treatment under subdivisions 4 and 7, subject to the procedure in this section.

Subd. 3. **Approval.** (a) An employee who applies for treatment of a psychological condition that was a result of the performance of duties related to the employee's occupation must receive approval for psychological treatment as provided under this subdivision.

(b) The executive director shall grant approval to an employee who submits, in the form and manner specified by the executive director:

(1) a report by a mental health professional diagnosing the employee with a mental illness and finding that the employee is currently unable to perform the normal duties of the position held by the employee on the date of the injury, event, or onset of the mental illness on a full- or part-time basis; and

(2) documentation from the employer certifying the dates the employee was on duty in a position covered under the State Patrol plan.

(c) An employee who receives approval under this subdivision is not considered disabled for the purposes of a duty disability under section 352B.10, unless the employee completes the additional requirements under this section, receives final confirmation under subdivision 6, and applies for disability benefits under section 352B.101 before receiving duty disability benefits or related benefits.

(d) Within six business days after the application has been received by the executive director, the executive director must notify an employing entity electronically and by mail that an application for treatment of a psychological condition has been submitted by an employee and request the certification required under paragraph (b), clause (2), from the employing entity.

(e) An employer shall submit the certification required under paragraph (b), clause (2), within five business days of an employee's application, and the employee shall receive approval no later than 14 business days after the employee's application is received by the executive director, whether or not the employer's certification has been submitted. Nothing in this paragraph shall delay the treatment of the psychological condition of the employee.

Subd. 4. **Treatment required.** (a) Except as provided in paragraph (f), an employee who receives approval under subdivision 3 shall complete up to 24 consecutive weeks of active treatment modalities for the employee's diagnosed mental illness, as provided under this subdivision, before a final confirmation can be made under subdivision 6, paragraph (a). An employee's treatment shall be at the direction of a mental health professional using treatment modalities indicated for the treatment of the diagnosed mental illness. An employee shall not be penalized for an interruption in active, consecutive treatment that is not initiated by or resulting from an intentional action of the employee. Subject to the limit under subdivision 9, the employing entity shall pay for the treatment costs and may seek reimbursement from the commissioner of public safety.

(b) The employee's mental health professional must assess the employee's progress in treatment monthly and at the end of the 24 weeks or earlier, including any change to the employee's ability to return to the position held by the employee on the date of the injury, event, or onset of the mental illness, or to another position with the employing entity which provides salary and employing entity-provided benefits, including pension benefits, that are equal to or greater than those for the

position held by the employee on the date of the injury, event, or onset of the mental illness. A final confirmation under subdivision 6 must be supported by a report from the employee's mental health provider containing an opinion about the employee's prognosis, the duration of the disability, and the expectations for improvement following the treatment. A report that does not contain and support a finding that the employee's disability as a result of a psychological condition will last for at least 12 months must not be relied upon to support approval of duty disability benefits.

(c) The employee may return to full- or part-time work prior to the completion of the 24 weeks of treatment if the employee's mental health professional determines that the employee is medically able to do so.

(d) The employee may return to light duty assignments, subject to availability of a position, prior to the completion of the 24 weeks of treatment, if deemed medically appropriate by the employee's mental health professional and with the employing entity's approval.

(e) A fitness for duty presumption shall apply to an employee who is cleared to return to work or light duty under paragraph (c) or (d), except as provided under subdivision 10.

(f) No employee shall be required to complete treatment under this subdivision more than three times in ten years.

Subd. 5. **Continuation of salary and benefits.** (a) Subject to subdivision 9, for the period that an employee is seeking psychological condition treatment approval under subdivision 3 or 6, appealing a determination thereof, or receiving treatment under subdivision 4 or 7, the employing entity shall continue:

(1) to pay, for a current employee only, the employee's full salary and employing entity-provided benefits, including any employing entity contribution to health care and retirement benefits. The employing entity must proportionally reduce the salary paid to an employee who is otherwise receiving benefits for the disability that provide compensation for all or a portion of the employee's salary for the same time period. Nothing in this paragraph requires an employing entity to pay more than 100 percent of the employee's salary;

(2) to provide health insurance benefits to the employee and to the employee's dependents, if the employee was receiving dependent coverage at the time of the injury, event, or onset of the mental illness under the employing entity's group health plan; and

(3) to provide any other employment benefits provided to the employee under the employee's currently applicable collective bargaining agreement.

(b) The treatment period required under subdivision 4 or 7 is allowable service under section 352B.011, subdivision 3.

(c) Nothing in this section prevents an employing entity from providing benefits in addition to those required by this section or otherwise affects an employee's rights with respect to any other employment benefit.

(d) If an employee is unable to receive treatment through the prescribed treatment program due to circumstances beyond the employee's control, which includes but is not limited to a lack of

availability of a mental health facility or a mental health professional, the employee shall continue to receive their regular compensation, benefits, and retirement service credits until such mental health facility or mental health professional becomes available to the employee for their treatment program. The continuation of salary and benefits allowed under this paragraph must not exceed 30 days beyond the day treatment is prescribed, except that the continuation of benefits and salary may be extended beyond 30 days if written documentation from the mental health facility or mental health professional providing the treatment start date is submitted by the employee to the executive director and the employer.

Subd. 6. **Termination or continuation of psychological condition treatment.** (a) Following completion of treatment under subdivision 4, the executive director shall confirm the treatment requirements are satisfied and make one of the following determinations:

(1) continue the approval for an additional eight weeks for the employee to complete additional treatment, as provided under subdivision 7;

(2) terminate the psychological condition treatment because the employee is:

(i) able to return to full-time work in the position held by the employee on the date of the injury, event, or onset of the mental illness; or

(ii) able to return to another vacant full-time position with the employer which provides salary and employer-provided benefits, including pension benefits, that are equal to or greater than those for the position held by the employee on the date of the injury, event, or onset of the mental illness, as certified by the employer in the form and manner specified by the executive director; or

(3) confirm the employee has met the requirements under this section, after which the employee may apply for a duty disability benefit under section 352B.10.

(b) After confirmation and application under paragraph (a), clause (3), the executive director must approve the employee's application for disability benefits if the employee is eligible under sections 352B.10 and 352B.101, at which time the employee is entitled to receive disability benefits as provided under section 352B.10 and any related benefits. The disability benefit begins to accrue the day following the day on which the employer ceases to continue salary and benefits under subdivision 5 or the date permitted under section 352B.10, subdivision 2a, whichever is later.

(c) Following completion of the additional treatment requirements under subdivision 7, if applicable, the executive director must confirm the additional treatment requirements are satisfied, after which, the employee may apply for disability benefits. The executive director must approve the employee's application for disability benefits if the employee is eligible under sections 352B.10 and 352B.101, at which time the employee is entitled to receive disability benefits as provided under section 352B.10 and any related benefits. The disability benefit begins to accrue the day following the day on which the employer ceases to continue salary and benefits under subdivision 5 or the date permitted under section 352B.10, subdivision 2a, whichever is later.

(d) A fitness for duty presumption shall apply to an employee who is determined able to return to work as provided under paragraph (a), clause (2), except as provided under subdivision 10.

Subd. 7. **Additional treatment.** (a) Except as provided in paragraph (g), if, after completing the treatment required under subdivision 4, the mental health professional's report determines that the employee is making progress in treatment, and the employee's prognosis is expected to further improve with additional treatment, the executive director shall continue the employee's initial approval under subdivision 6, paragraph (a), clause (1), and the employee shall complete up to an additional eight consecutive weeks of active treatment modalities as provided under this subdivision.

(b) Treatment shall be at the direction of a mental health professional using treatment modalities indicated for the treatment of the employee's diagnosed mental illness. An employee shall not be penalized for an interruption in active, consecutive treatment that is not initiated by or resulting from an intentional action of the employee. Subject to subdivision 9, the employing entity shall pay for the treatment costs and may seek reimbursement from the commissioner of public safety.

(c) The employee's mental health professional must assess the employee's progress in treatment at the end of eight weeks, including any change to the employee's ability to return to the position held by the employee on the date of the injury, event, or onset of the mental illness, or to another position with the employing entity which provides salary and employing entity-provided benefits, including pension benefits, that are equal to or greater than those for the position held by the employee on the date of the injury, event, or onset of the mental illness. A final confirmation under subdivision 6, paragraph (c), must be supported by an updated report from the employee's mental health provider containing an opinion about the employee's prognosis, the duration of the disability, and the expectations for improvement following the additional treatment. An updated report that does not contain and support a finding that the employee's disability as a result of a psychological condition will last for at least 12 months must not be relied upon to support approval of duty disability benefits.

(d) The employee may return to full- or part-time work prior to the completion of the eight weeks of treatment if the employee's mental health professional determines that they are medically able to do so.

(e) The employee may return to light duty assignments, subject to availability of a position, prior to the completion of the eight weeks of treatment, if deemed medically appropriate by the employee's mental health professional and with the employing entity's approval.

(f) A fitness for duty presumption shall apply to an employee who is cleared to return to work or light duty under paragraph (d) or (e), except as provided under subdivision 10.

(g) No employee shall be required to complete treatment under this subdivision more than three times in ten years.

Subd. 8. **Treatment data.** A "health record," as defined by section 144.291, subdivision 2, paragraph (c), arising from treatment sought under this section is classified as private data on individuals, as defined by section 13.02, subdivision 12, and must not be accessed by, shared with, or disclosed or disseminated to any individual, private entity, or government entity, including through discovery, search warrant, or subpoena, in any type of investigation or legal action.

Subd. 9. **Employing entity reimbursement; limit.** (a) Except as provided in paragraph (c), an employing entity subject to this section may annually apply by August 1 for the preceding fiscal year to the commissioner of public safety for reimbursement of:

(1) the treatment costs incurred by the employing entity under subdivision 4 or 7; and

(2) the costs incurred to continue salary and benefits as required under subdivision 5.

(b) An employing entity must apply for the reimbursement in the form and manner specified by the commissioner of public safety.

(c) No employing entity shall be required to pay for the salary, benefits, and treatment costs required under subdivisions 4, 5, and 7 for a single employee more than three times in ten years.

Subd. 10. Fitness for duty presumption. (a) An employee who is cleared or determined able to return to work or light duty under subdivision 4, paragraph (e); 6, paragraph (c); or 7, paragraph (f), is presumed fit for duty, except as follows:

(1) an employing entity may request a fitness for duty exam by an independent medical provider if the exam is completed within six weeks of the employing entity receiving the determination from the treating mental health professional, and the independent medical provider's report is completed no more than six weeks later;

(2) an employee found unfit for duty by an independent medical provider under clause (1):

(i) is presumed eligible for a duty disability, as provided under subdivision 6, paragraph (a), clause (3); or

(ii) may appeal the independent medical provider's determination by requesting an examination under paragraph (c); and

(3) the fitness-for-duty timeline under this paragraph may be modified by mutual agreement of the employing entity and employee.

(b) Nothing in this section shall be deemed to affect the Americans with Disabilities Act, United States Code, title 42, chapter 126; the Family Medical Leave Act, United States Code, title 29, chapter 28; or the Minnesota Human Rights Act, chapter 363A.

(c) An employee who wishes to appeal the independent medical provider's determination under paragraph (a), clause (2), item (ii), may request an examination by a qualified professional selected by the employee from a panel established by mutual agreement among the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota Peace and Police Officers Association, the Minnesota Professional Fire Fighters Association, the Minnesota Chiefs of Police Association, and the Minnesota Law Enforcement Association. The panel shall consist of five licensed psychiatrists or psychologists who have expertise regarding psychological or emotional disorders and who are qualified to opine as to the employee's fitness to engage in police or firefighting duties. The agreed upon panel of qualified professionals must be submitted to the executive director and made available for use in the appeal process. If the employee fails to select a qualified professional from the panel within ten days of any notice of appeal, the employing entity may select the qualified professional from the panel. A determination made by a qualified professional under this paragraph is binding and not subject to appeal. The panel may be the same panel as the panel established under section 353.032, subdivision 10.

Subd. 11. **Report.** No later than four years after the day following final enactment of this act, the executive director, in coordination with employing entities, employees, and mental health professionals, shall submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over labor and pensions regarding the impact of this section on public safety duty disability trends and costs.

Subd. 12. **Relationship to workers' compensation.** Nothing in this section shall be construed to affect the procedures for an employee's claim for workers' compensation benefits under chapter 176 or diminish or delay an employer's or insurer's obligations related to an employee's claim for workers' compensation benefits under chapter 176, except that when an employee receives psychological condition treatment pursuant to an application approved under subdivision 3, the treatment is not compensable under chapter 176.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 8. **[352B.103] PSYCHOLOGICAL CONDITION TREATMENT ACCOUNT.**

Subdivision 1. **Account created and money appropriated.** The MSRS psychological condition treatment account is created in the special revenue fund. Money in the account is appropriated to the executive director of the Minnesota State Retirement System for administration of the psychological condition treatment under section 352B.102.

Subd. 2. **Account to defray administrative costs.** The executive director of the Minnesota State Retirement System must pay the costs of administering the psychological condition treatment under section 352B.102 using the money in the MSRS psychological condition treatment account under subdivision 1 until the money is expended.

Subd. 3. **Commissioner of public safety to pay costs when account is depleted.** When the MSRS psychological condition treatment account is depleted, the executive director of the Minnesota State Retirement System may invoice the commissioner of public safety for the costs of administering the psychological condition treatment under section 352B.102. The commissioner must pay invoices submitted by the executive director of the Minnesota State Retirement System from the public safety officer's benefit account under section 299A.42 within 30 days of receipt.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 9. Minnesota Statutes 2022, section 353.01, subdivision 47, is amended to read:

Subd. 47. **Vesting.** (a) "Vesting" means obtaining a nonforfeitable entitlement to an annuity or benefit from a retirement plan administered by the ~~Public Employees Retirement~~ association by having credit for sufficient allowable service under paragraph (b), (c), or (d), whichever applies.

(b) For purposes of qualifying for an annuity or benefit as a basic or coordinated plan member of the general employees retirement plan of the ~~Public Employees Retirement~~ association:

(1) a public employee who first became a member of the association before July 1, 2010, is 100 percent vested when the person has accrued credit for not less than three years of allowable service in the general employees retirement plan; and

(2) a public employee who first becomes a member of the association after June 30, 2010, is 100 percent vested when the person has accrued credit for not less than five years of allowable service in the general employees retirement plan.

(c) For purposes of qualifying for an annuity or benefit as a member of the local government correctional service retirement plan:

(1) a public employee who first became a member of the association before July 1, 2010, is 100 percent vested when the person has accrued credit for not less than three years of allowable service in the local government correctional service retirement plan; and

(2) a public employee who first becomes a member of the association after June 30, 2010, is vested at the following percentages when the person has accrued credit for allowable service in the local government correctional service retirement plan, as follows:

- (i) 50 percent after five years;
- (ii) 60 percent after six years;
- (iii) 70 percent after seven years;
- (iv) 80 percent after eight years;
- (v) 90 percent after nine years; and
- (vi) 100 percent after ten years.

(d) For purposes of qualifying for an annuity or benefit as a member of the ~~public employees~~ police and fire retirement plan:

(1) a public employee who first became a member of the association before July 1, 2010, is 100 percent vested when the person has accrued credit for not less than three years of allowable service in the public employees police and fire retirement plan; and

(2) a public employee who first becomes a member of the association after June 30, 2010, ~~and before July 1, 2014,~~ is vested at the following percentages when the person has accrued credited allowable service in the ~~public employees~~ police and fire ~~retirement~~ plan, as follows:

- (i) 50 percent after five years;
- (ii) 60 percent after six years;
- (iii) 70 percent after seven years;
- (iv) 80 percent after eight years;
- (v) 90 percent after nine years; and
- (vi) 100 percent after ten years; ~~and.~~

~~(3) a public employee who first becomes a member of the association after June 30, 2014, is vested at the following percentages when the person has accrued credit for allowable service in the public employees police and fire retirement plan, as follows:~~

- ~~(i) 50 percent after ten years;~~
- ~~(ii) 55 percent after 11 years;~~
- ~~(iii) 60 percent after 12 years;~~
- ~~(iv) 65 percent after 13 years;~~
- ~~(v) 70 percent after 14 years;~~
- ~~(vi) 75 percent after 15 years;~~
- ~~(vii) 80 percent after 16 years;~~
- ~~(viii) 85 percent after 17 years;~~
- ~~(ix) 90 percent after 18 years;~~
- ~~(x) 95 percent after 19 years; and~~
- ~~(xi) 100 percent after 20 or more years.~~

EFFECTIVE DATE. This section is effective the day following final enactment for all members, as defined under Minnesota Statutes, section 353.01, subdivision 7, of the police and fire plan, and all former members, as defined under Minnesota Statutes, section 353.01, subdivision 7a, of the police and fire plan who have not begun to receive a retirement annuity.

Sec. 10. Minnesota Statutes 2022, section 353.031, subdivision 1, is amended to read:

Subdivision 1. **Application.** (a) This section applies to all disability determinations for the public employees general fund, the public employees police and fire fund, and the local government correctional service retirement plan and any other disability determination subject to approval by the board, except as otherwise specified in section 353.032, 353.33, 353.656, or 353E.05. These requirements and the requirements of section 353.03, subdivision 3, are in addition to the specific requirements of each plan and govern in the event there is any conflict between these sections and the procedures specific to any of those plans under section 353.33, 353.656, or 353E.06.

(b) Notwithstanding any law to the contrary, an employee, as defined in section 353.032, subdivision 1, clause (2), who applies for a duty disability benefit based on a psychological condition, as defined in section 353.032, subdivision 1, clause (7), is not eligible for duty disability benefits under this chapter until the employee has satisfied the additional procedure, including all completion of treatment requirements under section 353.032.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 11. Minnesota Statutes 2022, section 353.031, subdivision 3, is amended to read:

Subd. 3. **Procedure to determine eligibility; generally.** (a) Every claim for a disability benefit must be initiated in writing on an application form and in the manner prescribed by the executive director and filed with the executive director. To be valid, an application for disability benefits must be made within 18 months following termination of public service as defined under section 353.01, subdivision 11a, and include the required application form and the medical reports required by paragraph (c).

(b) All medical reports must support a finding that the disability arose before the employee was placed on any paid or unpaid leave of absence or terminated public service, as defined under section 353.01, subdivision 11a.

(c) An applicant for disability shall provide a detailed report signed by a licensed medical doctor and at least one additional report signed by a medical doctor, psychiatrist, psychologist, an APRN, or a chiropractor. The applicant ~~shall~~ must authorize the release of all medical and health care evidence, including all medical records and relevant information from any source, to support the application for initial, or the continuing payment of, disability benefits.

(d) All reports must contain an opinion regarding the ~~claimant's~~ applicant's prognosis, the duration of the disability, and the expectations for improvement. Any report that does not contain and support a finding that the disability will last for at least one year may not be relied upon to support eligibility for benefits.

(e) Where the medical evidence supports the expectation that at some point in time the ~~claimant~~ applicant will no longer be disabled, any decision granting disability may provide for a termination date upon which disability can be expected to no longer exist. In the event a termination date is made part of the decision granting benefits, prior to the actual termination of benefits, the ~~claimant~~ applicant shall have the opportunity to show that the disabling condition for which benefits were initially granted continues. In the event the benefits terminate in accordance with the original decision, the ~~claimant~~ applicant may petition for a review ~~by the board of trustees~~ under section ~~353.03, subdivision 3,~~ 356.96 or may reapply for disability in accordance with these procedures and section 353.33, 353.656, or 353E.06, as applicable.

(f) ~~Any claim to disability must be supported by a report from~~ Upon receipt of a valid application, the executive director must notify the employer. No later than 30 days after receiving the notification, the employer must provide a report to the executive director indicating that there is no available work that the employee applicant can perform in the employee's applicant's disabled condition and that all reasonable accommodations have been considered. Upon request of the executive director, an employer shall provide evidence of the steps the employer has taken to attempt to provide reasonable accommodations and continued employment to the ~~claimant~~ applicant. The employer shall also provide a certification of the ~~member's~~ applicant's past public service; the dates of any paid sick leave, vacation, or any other employer-paid salary continuation plan beyond the last working day; and whether or not any sick or annual leave has been allowed.

(g) An ~~employee~~ applicant who is placed on leave of absence without compensation because of a disability is not barred from receiving a disability benefit.

(h) An applicant for disability benefits may file a retirement annuity application under section 353.29, subdivision 4, simultaneously with an application for disability benefits. If the application

for disability benefits is approved, the retirement annuity application is canceled. If disability benefits are denied, the retirement annuity application must be processed upon the request of the applicant. No member of the ~~public general employees general retirement plan~~, the ~~public employees~~ police and fire plan, or the local government correctional service retirement plan may receive a disability benefit and a retirement annuity simultaneously from the same plan.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 12. Minnesota Statutes 2022, section 353.031, subdivision 4, is amended to read:

Subd. 4. **Additional requirements; eligibility for police and fire or local government correctional service retirement plan disability benefits.** (a) If an application for disability benefits is filed within two years of the date of the injury or the onset of the illness that gave rise to the disability application, the application must be supported by evidence that the applicant is unable to perform the duties of the position held by the applicant on the date of the injury or the onset of the illness causing the disability. The employer must provide evidence indicating whether the applicant is able or unable to perform the duties of the position held on the date of the injury or onset of the illness causing the disability, a clear explanation of any duties that the individual can or cannot perform, and an explanation of why the employer may or may not authorize continued employment to the applicant in the current or other position.

(b) If an application for disability benefits is filed more than two years after the date of injury or the onset of an illness causing the disability, the application must be supported by evidence that the applicant is unable to perform the duties that were expected to be performed by the applicant during the 90 days preceding the last day the applicant performed services for the employer. The employer must provide evidence of the duties that were expected to be performed by the applicant during the 90 days preceding the last day the applicant performed services, whether the applicant can or cannot perform those duties overall, a clear explanation of any duties that the applicant can or cannot perform, and an explanation of why the employer may or may not authorize continued employment to the applicant in the current or other position.

(c) Any report supporting a claim to disability benefits under section 353.656 or 353E.06 must specifically relate the disability to its cause; and for any claim to duty disability from an injury or illness arising out of an act of duty, the report must state the specific act of duty giving rise to the claim, and relate the cause of disability to inherently dangerous duties specific to the positions covered by the public employees police and fire plan and the local government correctional service retirement plan. Any report that does not relate the cause of disability to specific inherently dangerous duties performed by the employee may not be relied upon as evidence to support eligibility for benefits and may be disregarded in the executive director's decision-making process.

(d) Any application for duty disability must be supported by a first report of injury as defined in section 176.231.

(e) If a member who has applied for and been approved for disability benefits before the termination of service does not terminate service or is not placed on an authorized leave of absence as certified by the governmental subdivision within 45 days following the date on which the application is approved, the application shall be canceled. If an approved application for disability benefits has been canceled, a subsequent application for disability benefits may not be filed on the

basis of the same medical condition for a minimum of one year from the date on which the previous application was canceled.

(f) Notwithstanding section 353.01, subdivision 41, if the member has applied for a duty disability based on a psychological condition, the application must be supported by evidence that the applicant is unable to perform the duties of the position held by the applicant on the date of injury or the onset of the illness or to another position with the employer which provides salary and employer-provided benefits, including pension benefits, that are equal to or greater than those for the position held by the employee on the date of the injury, event, or onset of the mental illness.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 13. Minnesota Statutes 2022, section 353.031, subdivision 8, is amended to read:

Subd. 8. **Proof of continuing disability eligibility upon reapplication.** (a) A person must not be paid a disability benefit payment must not be made except upon furnishing adequate proof furnished to the executive director of the association that the person remains is disabled and, upon reapplication, that the disability is the same disability for which disability benefits were initially granted.

(b) ~~During the time when~~ At the end of each year of disability benefits are being paid, payments for the first five years of disability payments and at the end of every three years of disability payments thereafter, the person receiving the disability payments must reapply and provide proof of disability to the executive director of the association. The executive director has the right, at reasonable times between applications, to require the disabled member person to submit proof of the continuance of the disability claimed.

(c) Adequate proof of a disability upon reapplication must include a written expert report by a licensed physician, an APRN, or a licensed chiropractor, or, with respect to a mental impairment, a licensed psychiatrist or psychologist.

(d) The reapplication requirement may be waived by the executive director if the executive director receives a written statement from the medical adviser retained by the association under subdivision 5 that no improvement can be expected in the person's disability condition that was the basis for the payment of the disability benefit.

(e) If the person's reapplication is denied, the person bears the burden of proving eligibility for a disability benefit in an appeal under section 356.96.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 14. Minnesota Statutes 2022, section 353.031, subdivision 9, is amended to read:

Subd. 9. **Application approval or denial; decision of executive director.** Any decision of the executive director is final, except that a member whose application for disability benefits or whose ~~continuation of disability benefits~~ reapplication under subdivision 8 is denied may appeal the executive director's decision to the board of trustees ~~within 60 days~~ under section 356.96. of receipt of a certified letter notifying the member of the decision to deny the application or continuation of benefits. In developing the record for review by the board when a decision is appealed, the executive

director may direct that the applicant participate in a fact-finding session conducted by an administrative law judge assigned by the Office of Administrative Hearings, and, as applicable, a vocational assessment conducted by the qualified rehabilitation counselor on contract with the ~~Public Employees Retirement~~ association.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 15. **[353.032] APPLICATION FOR PSYCHOLOGICAL CONDITION TREATMENT.**

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

(1) "mental illness" means diagnosis of a mental illness by a mental health professional, and meeting the criteria for a condition or conditions included in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association;

(2) "employee" means an individual diagnosed with a mental illness who is a member under section 353.64 or was a member under section 353.64 within the 18 months preceding the date of the application under subdivision 2;

(3) "employer" means an employer of a current or former member of the police and fire plan;

(4) "firefighter" has the meaning given in section 299A.465, subdivision 5, paragraph (c);

(5) "mental health professional" has the meaning given in section 245I.02, subdivision 27;

(6) "peace officer" has the meaning given in section 299A.465, subdivision 5, paragraph (a);

(7) "psychological condition" means a mental illness, as defined in clause (1); and

(8) "treatment" includes but is not limited to active participation in psychological, psychopharmaceutical, and functional neurological approaches and active participation in the International Association of Fire Fighters Center of Excellence for Behavioral Health Treatment and Recovery. Treatment includes utilization of multiple treatment modalities, including chemical dependency treatment when indicated, and evidence-based trauma treatment.

Subd. 2. **Application; dual diagnosis.** (a) Notwithstanding any law to the contrary, and except as provided in paragraph (b), the procedure in this section applies to an application for a duty disability by an employee based on a psychological condition.

(b) The additional procedure in this section does not apply to a duty disability application under paragraph (a) that is also based on a dual diagnosis of a physical condition. An employee with a dual diagnosis may, but is not required to, seek treatment under subdivisions 4 and 7, subject to the procedure in this section.

Subd. 3. **Approval.** (a) An employee who applies for treatment of a psychological condition that was a result of the performance of duties related to the occupation must receive approval for psychological treatment as provided under this subdivision.

(b) The executive director shall grant approval to an employee who submits, in the form and manner specified by the executive director:

(1) a report by a mental health professional diagnosing the employee with a mental illness and finding that the employee is currently unable to perform the normal duties of the position held by the employee on the date of the injury, event, or onset of the mental illness on a full- or part-time basis; and

(2) documentation from the employer certifying the dates the employee was on duty in a position covered under the police and fire plan.

(c) An employee who receives approval under this subdivision is not considered disabled for the purposes of a duty disability under section 353.656, subdivision 1, unless the employee completes the additional requirements under this section, receives final confirmation under subdivision 6, and applies for disability benefits under section 353.031 before receiving duty disability benefits or related benefits.

(d) The executive director must notify an employing entity electronically and by mail that an application for psychological condition treatment has been submitted by an employee and request the certification required under paragraph (b), clause (2), from the employing entity within six business days after the application has been received by the executive director.

(e) An employer shall submit the certification required under paragraph (b), clause (2), within five business days of receiving notice from the executive director, and the employee shall receive approval no later than 14 business days after the employee's application is received by the executive director, whether or not the employer's certification has been submitted. Nothing in this paragraph shall delay the treatment of the psychological condition of the employee.

Subd. 4. **Treatment required.** (a) Except as provided in paragraph (f), an employee who receives approval under subdivision 3 shall complete up to 24 consecutive weeks of active treatment modalities for the employee's diagnosed mental illness, as provided under this subdivision, before a final confirmation can be made under subdivision 6. Treatment shall be at the direction of a mental health professional using treatment modalities indicated for the treatment of the diagnosed mental illness. An employee shall not be penalized for an interruption in active, consecutive treatment that is not initiated by or resulting from an intentional action of the employee. Subject to the limit under subdivision 9, the employer shall pay for the treatment costs and may seek reimbursement.

(b) The employee's mental health professional must assess the employee's progress in treatment monthly and at the end of the 24 weeks or earlier, including any change to the employee's ability to return to the position held by the employee on the date of the injury, event, or onset of the mental illness, or to another position with the employer which provides salary and employer-provided benefits, including pension benefits, that are equal to or greater than those for the position held by the employee on the date of the injury, event, or onset of the mental illness. A final confirmation under subdivision 6 must be supported by a report from the employee's mental health professional containing an opinion about the employee's prognosis, the duration of the disability, and the expectations for improvement following the treatment. A report that does not contain and support a finding that the employee's disability as a result of a psychological condition will last for at least 12 months must not be relied upon to support approval of duty disability benefits.

(c) The employee may return to full- or part-time work prior to the completion of the 24 weeks of treatment if the employee's mental health professional determines that they are medically able to do so.

(d) The employee may return to light duty assignments, subject to availability of a position, prior to the completion of the 24 weeks of treatment, if deemed medically appropriate by the employee's mental health professional and with the employer's approval.

(e) A fitness for duty presumption shall apply to an employee who is cleared to return to work or light duty under paragraph (c) or (d), except as provided under subdivision 10.

(f) No employee shall be required to complete treatment under this subdivision more than three times in ten years.

Subd. 5. Continuation of salary and benefits. (a) Subject to subdivision 9, for the period that an employee is seeking psychological condition treatment approval under subdivision 3 or 6, appealing a determination thereof, or receiving treatment under subdivision 4 or 7, the employer shall continue:

(1) to pay, for a current employee only, the employee's full salary and employer-provided benefits, including any employer contribution to health care and retirement benefits. The employer must proportionally reduce the salary paid to an employee who is otherwise receiving benefits for the disability that provide compensation for all or a portion of the employee's salary for the same time period. Nothing in this paragraph requires an employer to pay more than 100 percent of the employee's salary;

(2) to provide health insurance benefits to the employee and to the employee's dependents, if the employee was receiving dependent coverage at the time of the injury, event, or onset of the mental illness under the employer's group health plan; and

(3) to provide any other employment benefits provided to the employee under the employee's currently applicable collective bargaining agreement.

(b) An employee shall obtain service credit for the treatment period required under subdivision 4 or 7.

(c) Nothing prevents an employer from providing benefits in addition to those required by this section or otherwise affects an employee's rights with respect to any other employment benefit.

(d) If an employee is unable to receive treatment through the prescribed treatment program due to circumstances beyond the employee's control, which includes but is not limited to a lack of availability of a mental health facility or a mental health professional, the employee shall continue to receive their regular compensation, benefits, and retirement service credits, until such mental health facility or mental health professional becomes available to the employee for their treatment program. The continuation of salary and benefits allowed under this paragraph must not exceed 30 days beyond the day treatment is prescribed, except that continuation of benefits and salary may be extended beyond 30 days if written documentation from the mental health facility or mental health professional providing the treatment start date is submitted by the employee to the executive director and the employer.

Subd. 6. **Termination or continuation of psychological condition treatment.** (a) Following completion of treatment under subdivision 4, the association shall confirm the treatment requirements are satisfied, and make one of the following determinations:

(1) continue the approval for an additional eight weeks for the employee to complete additional treatment, as provided under subdivision 7;

(2) terminate the psychological condition treatment because the employee is:

(i) able to return to full-time work in the position held by the employee on the date of the injury, event, or onset of the mental illness; or

(ii) able to return to another vacant full-time position with the employer which provides salary and employer-provided benefits, including pension benefits, that are equal to or greater than those for the position held by the employee on the date of the injury, event, or onset of the mental illness, as certified by the employer in the form and manner specified by the executive director; or

(3) confirm the employee has met the requirements under section 353.032, after which the employee may apply for a duty disability benefit based on a psychological condition under section 353.031.

(b) After confirmation and application under paragraph (a), clause (3), the association must approve the employee's application for disability benefits if the employee is eligible under section 353.031, at which time the employee is entitled to receive disability benefits as provided under this section and any related benefits. The disability benefit begins to accrue the day following the day on which the employer ceases to continue salary and benefits under subdivision 5 and section 353.656, subdivision 4, paragraph (a).

(c) Following completion of the additional treatment requirements under subdivision 7, if applicable, the association shall confirm the additional treatment requirements are satisfied, after which, the employee may apply for disability benefits because the employee is eligible under section 353.031, at which time the employee is entitled to receive disability benefits as provided under this section and any related benefits. The disability benefit begins to accrue the day following the day on which the employer ceases to continue salary and benefits under subdivision 5 and section 353.656, subdivision 4, paragraph (a).

(d) A fitness for duty presumption shall apply to an employee who is determined able to return to work as provided under paragraph (a), clause (2), except as provided under subdivision 10.

Subd. 7. **Additional treatment.** (a) Except as provided in paragraph (g), if, after completing the treatment required under subdivision 4, the mental health professional's report determines that the employee is making progress in treatment, and the employee's prognosis is expected to further improve with additional treatment, the association shall continue the employee's initial approval under subdivision 6, paragraph (a), clause (1), and the employee shall complete up to an additional eight consecutive weeks of active treatment modalities as provided under this subdivision.

(b) Treatment shall be at the direction of a mental health professional using treatment modalities indicated for the treatment of the employee's diagnosed mental illness. An employee shall not be penalized for an interruption in active, consecutive treatment that is not initiated by or resulting

from an intentional action of the employee. Subject to subdivision 9, the employer shall pay for the treatment costs and may seek reimbursement.

(c) The employee's mental health professional must assess the employee's progress in treatment at the end of eight weeks, including any change to the employee's ability to return to the position held by the employee on the date of the injury, event, or onset of the mental illness, or to another position with the employer which provides salary and employer-provided benefits, including pension benefits, that are equal to or greater than those for the position held by the employee on the date of the injury, event, or onset of the mental illness. A final confirmation under subdivision 6, paragraph (b), must be supported by an updated report from the employee's mental health professional containing an opinion about the employee's prognosis, the duration of the disability, and the expectations for improvement following the additional treatment. An updated report that does not contain and support a finding that the employee's disability as a result of a psychological condition will last for at least 12 months must not be relied upon to support approval of duty disability benefits.

(d) The employee may return to full- or part-time work prior to the completion of the eight weeks of treatment if the employee's mental health professional determines that they are medically able to do so.

(e) The employee may return to light duty assignments, subject to availability of a position, prior to the completion of the eight weeks of treatment, if deemed medically appropriate by the employee's mental health professional and with the employer's approval.

(f) A fitness for duty presumption shall apply to an employee who is cleared to return to work or light duty under paragraph (d) or (e), except as provided under subdivision 10.

(g) No employee shall be required to complete treatment under this subdivision more than three times in ten years.

Subd. 8. **Treatment data.** A "health record," as defined by section 144.291, subdivision 2, paragraph (c), arising from treatment sought under this section is classified as private data on individuals, as defined by section 13.02, subdivision 12, and must not be accessed by, shared with, or disclosed or disseminated to any individual, private entity, or government entity, including through discovery, search warrant, or subpoena, in any type of investigation or legal action.

Subd. 9. **Employer reimbursement; limit.** (a) Except as provided in paragraph (c), an employer subject to this section may annually apply by August 1 for the preceding fiscal year to the commissioner of public safety for reimbursement of:

(1) the treatment costs incurred by the employer under subdivision 4 or 7; and

(2) the costs incurred to continue salary and benefits as required under subdivision 5.

(b) An employer must apply for the reimbursement in the form and manner specified by the commissioner of public safety.

(c) No employer shall be required to pay for the salary, benefits, and treatment costs required under subdivisions 4, 5, and 7 for a single employee more than three times in ten years.

Subd. 10. **Fitness for duty presumption.** (a) An employee who is cleared or determined able to return to work or light duty under subdivision 4, paragraph (e); 6, paragraph (c); or 7, paragraph (f), is presumed fit for duty, except as follows:

(1) an employer may request a fitness for duty exam by an independent medical provider if the exam is completed within six weeks of the employer receiving the determination from the treating mental health professional, and the independent medical provider's report is completed no more than six weeks later;

(2) an employee found unfit for duty by an independent medical provider under clause (1):

(i) is presumed eligible for a duty disability, as provided under subdivision 6, paragraph (a), clause (3), if the employee otherwise meets the eligibility requirements under section 353.031; or

(ii) may appeal the independent medical provider's determination by requesting an examination under paragraph (c); and

(3) the fitness-for-duty timeline under this paragraph may be modified by mutual agreement of the employer and employee.

(b) Nothing in this section shall be deemed to affect the Americans with Disabilities Act, United States Code, title 42, chapter 126; the Family Medical Leave Act, United States Code, title 29, chapter 28; or the Minnesota Human Rights Act, chapter 363A.

(c) An employee who wishes to appeal the independent medical provider's determination under paragraph (a), clause (2), item (ii), may request an examination by a qualified professional selected by the employee from a panel established by mutual agreement among the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota Peace and Police Officers Association, the Minnesota Professional Fire Fighters Association, the Minnesota Chiefs of Police Association, and the Minnesota Law Enforcement Association. The panel shall consist of five licensed psychiatrists or psychologists who have expertise regarding psychological or emotional disorders and who are qualified to opine as to the employee's fitness to engage in police or firefighting duties. The agreed upon panel of qualified professionals must be submitted to the executive director and made available for use in the appeal process. If the employee fails to select a qualified professional from the panel within ten days of any notice of appeal, the employing entity may select the qualified professional from the panel. A determination made by a qualified professional under this paragraph is binding and not subject to appeal. This panel may be the same panel as the panel established under section 352B.102, subdivision 10.

Subd. 11. **Report.** No later than four years after the day following final enactment of this act, the executive director, in coordination with employers, employees, and mental health professionals, shall submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over labor and pensions regarding the impact of this section on public safety duty disability trends and costs.

Subd. 12. **Relationship to workers' compensation.** Nothing in this section shall be construed to affect the procedures for an employee's claim for workers' compensation benefits under chapter 176 or diminish or delay an employer's or insurer's obligations related to an employee's claim for workers' compensation benefits under chapter 176, except that when an employee receives

psychological condition treatment pursuant to an application approved under subdivision 3, the treatment is not compensable under chapter 176.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 16. **[353.033] PSYCHOLOGICAL CONDITION TREATMENT ACCOUNT.**

Subdivision 1. **Account created and money appropriated.** The PERA psychological condition treatment account is created in the special revenue fund. Money in the account is appropriated to the executive director of the Public Employees Retirement Association for administration of the psychological condition treatment under section 353.032.

Subd. 2. **Account to defray administrative costs.** The executive director of the Public Employees Retirement Association must pay the costs of administering the PERA psychological condition treatment under section 353.032 using the money in the psychological condition treatment account under subdivision 1 until the money is expended.

Subd. 3. **Commissioner of public safety to pay costs when account is depleted.** When the PERA psychological condition treatment account is depleted, the executive director of the Public Employees Retirement Association may invoice the commissioner of public safety for the costs of administering the psychological condition treatment under section 353.032. The commissioner must pay invoices submitted by the executive director of the Public Employees Retirement Association from the public safety officer's benefit account under section 299A.42 within 30 days of receipt.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 17. Minnesota Statutes 2022, section 353.335, is amended to read:

353.335 DISABILITANT EARNINGS REPORTS.

Subdivision 1. **Reemployment earnings reporting required.** Unless waived by the executive director, a disability benefit recipient must report all earnings from reemployment and from income from workers' compensation to the association annually by May 15 in a format prescribed by the executive director. If the form is not submitted by May 15, benefits must be suspended effective June 1. ~~If, upon receipt of the form by the association, if, the executive director determines that the disability benefit recipient is deemed by the executive director to be eligible for continued payment,~~ benefits must be reinstated retroactive to June 1. The executive director may waive the requirements in this section if the medical evidence supports that the disability benefit recipient will not have earnings from reemployment.

Subd. 2. **Workers' compensation reporting not required.** Notwithstanding subdivision 1, a recipient of disability benefits from the police and fire plan must not be required to report to the association any workers' compensation received by the recipient.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 18. Minnesota Statutes 2022, section 353.656, subdivision 1, is amended to read:

Subdivision 1. **Duty disability; computation of benefits.** (a) A member of the police and fire plan, ~~other than~~ who (1) is not a firefighter covered by section 353.6511, or a police officer covered

by section 353.6512, ~~who is determined to qualify for~~ (2) has a condition that meets the definition of a duty disability as defined in under section 353.01, subdivision 41, and (3) has filed an application under section 353.031 that was approved by the executive director is entitled to receive disability benefits during the period of ~~such~~ disability in an amount equal to 60 percent of the member's average salary as defined ~~in~~ under section 353.01, subdivision 17a, plus an additional 3.0 percent of that average salary for each year of service in excess of 20 years.

(b) To be eligible for a benefit under paragraph (a), the member must have:

(1) not met the age and vesting requirements for a retirement annuity under section 353.651, subdivision 1; or

(2) met the age and vesting requirements under that subdivision, but does not have at least 20 years of allowable service credit.

(c) If paragraph (b), clause (2), applies, the disability benefit must be paid for a period of 60 months from the disability benefit accrual date and at the end of that period is subject to provisions of subdivision 5a.

(d) If the disability under this subdivision occurs before the member has at least five years of allowable service credit in the police and fire plan, the disability benefit must be computed on the average salary from which deductions were made for contribution to the police and fire fund.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 19. Minnesota Statutes 2022, section 353.656, subdivision 1a, is amended to read:

Subd. 1a. **Total and permanent duty disability; computation of benefits.** (a) A member of the police and fire plan, ~~other than~~ who (1) is not a firefighter covered by section 353.6511, or a police officer covered by section 353.6512, whose disabling (2) has a condition that meets the definition of a duty disability under section 353.01, subdivision 41, and that is also a permanent and total and permanent disability as defined in under section 353.01, subdivision 19, and (3) has filed an application under section 353.031 that was approved by the executive director is entitled to receive, for life, a disability ~~benefits~~ benefit in an amount equal to ~~60~~ 99 percent of the member's average salary as defined ~~in~~ under section 353.01, subdivision 17a, ~~plus an additional 3.0 percent of that average salary for each year of service in excess of 20 years.~~ Beginning July 1, 2023, a member receiving a benefit under this paragraph must receive a disability benefit in an amount equal to the greater of 99 percent of the member's average salary as defined under section 353.01, subdivision 17a, in effect as of the date of the disability or the amount of the disability benefit the member was receiving on June 30, 2023.

(b) A disability benefit payable under paragraph (a) is subject to ~~eligibility review~~ the reapplication requirements under section 353.33, subdivision 6, but the review reapplication may be waived if the executive director receives a written statement from the association's medical advisor retained by the association under section 353.031, subdivision 5, that no improvement can be expected in the member's disabling disability condition that was the basis for payment of the benefit under paragraph (a).

(c) A member receiving a disability benefit under this subdivision who is found to no longer ~~be permanently and totally disabled~~ have a total and permanent disability as defined under section 353.01, subdivision 19, but continues to ~~meet the definition for receipt of~~ have a duty disability as defined under section 353.01, subdivision 41, is subject to subdivision 1 upon written notice from the association's medical advisor that the person is no longer ~~considered permanently and totally disabled~~ has a total and permanent disability, and may, upon application, elect an optional annuity under subdivision 1b.

~~(e)~~ (d) If a member approved for disability benefits under this subdivision dies before attaining normal retirement age as defined ~~in~~ under section 353.01, subdivision 37, paragraph (b), or within 60 months of the effective date of the disability, whichever is later, the surviving spouse is entitled to receive a survivor benefit under section 353.657, subdivision 2, paragraph (a), clause (1), if the death is the direct result of the disabling condition for which disability benefits were approved, or section 353.657, subdivision 2, paragraph (a), clause (2), if the death is not directly related to the disabling condition for which benefits were approved under this subdivision.

~~(d)~~ (e) If the election of an actuarial equivalent optional annuity is not made at the time the ~~permanent and~~ member is entitled to begin to receive total and permanent disability benefit ~~accrues~~ benefits, an election must be made within 90 days before the member attains normal retirement age as defined under section 353.01, subdivision 37, paragraph (b), or ~~having~~ has collected total and permanent disability benefits for 60 months, whichever is later. If a member receiving disability benefits who has dependent children dies, subdivision 6a, paragraph (c), applies.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 20. Minnesota Statutes 2022, section 353.656, subdivision 1b, is amended to read:

Subd. 1b. **Optional annuity election.** (a) A disabled member of the police and fire fund may elect to receive the normal disability benefit or an actuarial equivalent optional annuity. If the election of an actuarial equivalent optional annuity is made before the commencement of payment of the disability benefit, the member is entitled to begin payment of the optional annuity must begin to accrue on the same date as that the normal disability benefit covering only the disability benefit recipient would have accrued. would have begun. For the purpose of this subdivision, a "normal disability benefit" is a monthly benefit payable for the life of the member and equal to a percentage of the member's average salary as defined under section 353.01, subdivision 17a. The percentage is 60 percent if the disability is a duty disability under subdivision 1 or 99 percent if the disability is a total and permanent disability.

(b) If an election of an optional annuity is not made before the commencement of the disability benefit, the disability benefit recipient may elect an optional annuity:

(1) within 90 days before normal retirement age;

(2) upon the filing of an application to convert to an early retirement annuity, if electing to convert to an early retirement annuity before the normal retirement age;

(3) within 90 days before the expiration of the 60-month period for which a disability benefit is paid, if the disability benefit is payable because the disabled member did not have at least 20 years of allowable service at normal retirement age; or

(4) upon ~~being determined~~ a determination that the disability benefit recipient continues to be disabled under subdivision 1, but is no longer ~~totally and permanently disabled~~ has a total and permanent disability under subdivision 1a.

(c) If a disabled member who has named a joint and survivor optional annuity beneficiary dies before the disability benefit ceases and is recalculated under subdivision 5a, the beneficiary eligible to receive the joint and survivor annuity may elect to have the annuity converted at the times designated in paragraph (b), clause (1), (2), or (3), whichever allows for the earliest payment of a higher joint and survivor annuity option resulting from recalculation under subdivision 5a, paragraph (e).

(d) A disabled member may name a person other than the spouse as beneficiary of a joint and survivor annuity only if the spouse of the disabled member permanently waives surviving spouse coverage on the disability application form prescribed by the executive director.

(e) If the spouse of the member permanently waives survivor coverage, the dependent child or children, if any, continue to be eligible for dependent child benefits under section 353.657, subdivision 3, and the designated optional annuity beneficiary may draw the monthly benefit.

(f) Any optional annuity under this subdivision, plus dependent child benefits, if applicable, are subject to the maximum and minimum family benefit amounts specified in section 353.657, subdivision 3a.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 21. Minnesota Statutes 2022, section 353.656, subdivision 3, is amended to read:

Subd. 3. **Regular disability benefit.** (a) A member of the police and fire plan, ~~other than who~~ (1) is not a firefighter covered by section 353.6511, or a police officer covered by section 353.6512, who qualifies for (2) has at least one year of allowable service, (3) has a condition that meets the definition of a regular disability benefit as defined in under section 353.01, subdivision 46, and (4) has filed an application under section 353.031 that was approved by the executive director is entitled to receive a disability benefit, ~~after filing a valid application,~~ in an amount equal to 45 percent of the member's average salary as defined in section 353.01, subdivision 17a.

(b) To be eligible for a benefit under paragraph (a), the member must have at least one year of allowable service credit and have:

(1) not met the age and vesting requirements for a retirement annuity under section 353.651, subdivision 1; or

(2) met the age and vesting requirements under that subdivision, but does not have at least 15 years of allowable service credit.

(c) If paragraph (b), clause (2), applies, the disability benefit must be paid for a period of 60 months from the disability benefit accrual date and, at the end of that period, is subject to provisions of subdivision 5a.

(d) For a member who is employed as a full-time firefighter by the Department of Military Affairs of the state of Minnesota, allowable service as a full-time state Military Affairs Department firefighter credited by the Minnesota State Retirement System may be used in meeting the minimum allowable service requirement of this subdivision.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 22. Minnesota Statutes 2022, section 353.656, subdivision 3a, is amended to read:

Subd. 3a. **Total and permanent regular disability; computation of benefits.** (a) A member of the police and fire plan, ~~other than~~ who (1) is not a firefighter covered by section 353.6511, or a police officer covered by section 353.6512, whose disabling (2) has a condition is determined to be that meets the definition of a regular disability under section 353.01, subdivision 46, and that is also a total and permanent and total disability as defined in under section 353.01, subdivision 19, and (3) has filed an application under section 353.031 that was approved by the executive director is entitled to receive, for life, a disability benefit in an amount equal to 45 percent of the member's average salary as defined in under section 353.01, subdivision 17a, plus an additional 3.0 percent of that average salary for each year of service in excess of 15 years.

(b) A disability benefit payable under paragraph (a) is subject to eligibility review under section 353.33, subdivision 6, but the review may be waived if the executive director receives a written statement from the association's medical advisor that no improvement can be expected in the member's disabling condition that was the basis for payment of the benefit under paragraph (a). A member receiving a disability benefit under this subdivision who is found to no longer ~~be permanently and totally disabled~~ have a total and permanent disability as defined under section 353.01, subdivision 19, but continues to meet the definition for receipt of have a regular disability as defined under section 353.01, subdivision 46, is subject to subdivision 3 upon written notice from the association's medical advisor that the person is no longer considered permanently and totally disabled has a total and permanent disability.

(c) A member approved for disability benefits under this subdivision may elect to receive a normal disability benefit or an actuarial equivalent optional annuity. If the election of an actuarial equivalent optional annuity is not made at the time by the date on which the member is entitled to begin the total and permanent disability benefit accrues, an the election must be made within 90 days before the member attains normal retirement age as defined in section 353.01, subdivision 37, paragraph (b), or having collected, if later, the date on which the member receives the 60th monthly payment of the disability benefits for 60 months, whichever is later benefit. No surviving spouse benefits are payable if the member dies during the period in which a normal ~~total and permanent~~ disability benefit is being paid. If a member receiving disability benefits who has dependent children dies, subdivision 6a, paragraph (c), applies. For the purpose of this subdivision, a "normal disability benefit" is a monthly benefit payable for the life of the member.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 23. Minnesota Statutes 2022, section 353.656, subdivision 4, is amended to read:

Subd. 4. **Limitation on disability benefit payments.** (a) No member is entitled to receive a disability benefit payment when there remains to the member's credit unused annual leave, sick leave, or any other employer-provided salary continuation plan, or under any other circumstances

when, during the period of disability, there has been no impairment of the person's salary as a police officer, a firefighter, or a paramedic as defined in section 353.64, subdivision 10, whichever applies.

(b) This paragraph applies to members who begin disability payments before August 1, 2023, and either are not required to reapply under section 353.031, subdivision 8, or have not reached the end of one year or three years, as applicable, when reapplication under section 353.031, subdivision 8, is required. If a disabled member resumes a gainful occupation with earnings that, when added to the single life disability benefit, and workers' compensation benefit if applicable, exceed the disability benefit recipient's reemployment earnings limit, the amount of the disability benefit must be reduced during the months of employment and receipt of workers' compensation benefits, if applicable, as provided in this paragraph. The disability benefit recipient's reemployment earnings limit is the greater of:

(1) the monthly salary earned at the date of disability; or

(2) 125 percent of the base monthly salary currently paid by the employing governmental subdivision for similar positions.

(e) The disability benefit must be reduced by one dollar for each three dollars by which the total amount of the current monthly disability benefit, any monthly workers' compensation benefits if applicable, and actual monthly earnings exceed the greater disability benefit recipient's reemployment earnings limit. In no event may the monthly disability benefit as adjusted under this subdivision exceed the disability benefit originally allowed.

(c) This paragraph applies to members who begin disability payments or are required to reapply under section 353.031, subdivision 8, on or after July 1, 2023. If a disabled member resumes a gainful occupation with earnings, the amount of the member's disability benefit must be reduced by a pro rata share each year until normal retirement age of the sum of clauses (1) and (2), not to exceed the amount of the member's disability benefit:

(1) for members with less than 20 years of service for a duty disability benefit or less than 15 years of service for a regular disability benefit, one dollar for each dollar of reemployment earnings, but not more than the lesser of (i) and (ii), but not to exceed the employee contribution rate as defined under section 353.65, subdivision 2, multiplied by the average salary used to determine the amount of the member's disability benefit when granted:

(i) an amount equal to the employee contribution rate as defined under section 353.65, subdivision 2, multiplied by the average salary used to determine the amount of the member's disability benefit, when granted, multiplied by the difference between 20 for a duty disability benefit or 15 for a regular disability benefit and the member's years of service, divided by 55 minus the member's age at the time of disability; or

(ii) 50 percent of the member's yearly reemployment earnings; and

(2) for all members, one dollar for each dollar by which the sum of the current disability benefit plus actual monthly reemployment earnings exceeds the base monthly salary currently paid by the employing governmental subdivision for similar positions.

(d) Paragraphs (b) and (c) do not apply to a member receiving total and permanent disability benefits under section 353.656, subdivision 1a or 3a.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 24. Minnesota Statutes 2022, section 353.656, subdivision 6a, is amended to read:

Subd. 6a. **Disability survivor benefits for pre-July members disabled before July 1, 2007, ~~disabilitants.~~** (a) If a member who is receiving a disability benefit that was granted under the laws in effect before July 1, 2007, dies before attaining normal retirement age as defined under section 353.01, subdivision 37, paragraph (b), or within five years of the effective date of the disability, whichever is later, the surviving spouse shall receive a survivor benefit under section 353.657, subdivision 2, paragraph (a), clause (2); or 2a, unless the surviving spouse elected to receive a refund under section 353.32, subdivision 1. The joint and survivor optional annuity under subdivision 2a is based on the minimum disability benefit under subdivision 1 or 3, or the deceased member's allowable service, whichever is greater.

(b) If the disability benefit was granted under the laws in effect before July 1, 2007, and the ~~disabilitant~~ disabled member is living at the age required for receipt of a retirement annuity under section 353.651, subdivision 1, or five years after the effective date of the disability, whichever is later, the disabled member may continue to receive a normal disability benefit, or the member may elect a joint and survivor optional annuity under section 353.30. The optional annuity is based on the minimum disability benefit under subdivision 1 or 3, or the member's allowable service, whichever is greater. The election of this joint and survivor annuity must occur within 90 days before attaining normal retirement age as defined under section 353.01, subdivision 37, paragraph (b), or within 90 days before the five-year anniversary of the effective date of the disability benefit, whichever is later. The optional annuity takes effect the first of the month following the month in which the person attains the age required for receipt of a retirement annuity under section 353.651, subdivision 1, or reaches the five-year anniversary of the effective date of the disability benefit, whichever is later.

(c) If any disabled member dies while receiving a benefit and has a dependent child or children, the association shall grant a dependent child benefit under section 353.657, subdivision 3.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 25. Minnesota Statutes 2022, section 353.656, subdivision 10, is amended to read:

Subd. 10. **Accrual of benefits Entitlement to receive a disability benefit.** (a) Except for a total and permanent disability under subdivision 1a, a member is entitled to begin to receive payment of a disability benefit begins to accrue when the ~~applicant~~ member is no longer receiving any form of compensation, whether salary or paid leave 90 days preceding the filing of an application; or, if annual or sick leave, or any other employer-paid salary continuation plan is paid for more than the 90-day period, from the date on which the payment of salary ceased, whichever is later. Except for a total and permanent disability under subdivision 1a, no member is entitled to receive a disability benefit payment when there remains to the member's credit any unused annual leave, sick leave, or any other employer-paid salary continuation benefit, or under any other circumstances when, during the period of disability, there has been no impairment of the person's salary.

(b) Payment of the disability benefit must not continue beyond the end of the month in which entitlement has terminated. If the ~~disabilitant~~ disabled member dies prior to negotiating the check for the month in which death occurs, payment must be made to the surviving spouse or, if none, to the designated beneficiary or, if none, to the estate.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 26. **[626.8478] WELLNESS TRAINING.**

Subdivision 1. Learning objectives and training course. (a) The board must create learning objectives to prepare peace officers for the stressful and traumatic events that are common to policing and teach officers methods to process and cope with the stress and trauma inherent to policing. The learning objectives must be updated as the board considers appropriate.

(b) The commissioner of public safety, in consultation with the board, must create a training course that incorporates each of the learning objectives established by the board under paragraph (a).

Subd. 2. Preservice training required. (a) The learning objectives developed pursuant to subdivision 1 must be included in the required curriculum of a professional peace officer education program.

(b) A person is not eligible to take the peace officer licensing examination after July 1, 2024, unless the individual has received the training described in paragraph (a).

Subd. 3. In-service training required. Beginning July 1, 2024, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service wellness training to every peace officer and part-time peace officer employed by the agency. The training must comply with the learning objectives developed and approved by the board and must meet board requirements for board-approved continuing education credit. A peace officer with a license renewal date after June 30, 2024, is not required to complete this training until the officer's next full three-year licensing cycle.

Subd. 4. Record keeping required. The head of each local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivision 3. The written records are subject to periodic review by the board and must be made available to the board at its request.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 27. **TRANSFERS TO THE PSYCHOLOGICAL CONDITION TREATMENT ACCOUNTS.**

(a) \$1,000,000 in fiscal year 2024 is transferred from the general fund to the MSRS psychological condition treatment account under Minnesota Statutes, section 352B.103.

(b) \$3,000,000 in fiscal year 2024 is transferred from the general fund to the PERA psychological condition treatment account under Minnesota Statutes, section 353.033.

(c) This is a onetime transfer.

Sec. 28. **TRANSFERS TO THE PUBLIC SAFETY OFFICER'S BENEFIT ACCOUNT.**

\$100,000,000 in fiscal year 2024 is transferred from the general fund to the public safety officer's benefit account under Minnesota Statutes, section 299A.42, and appropriated to the commissioner of public safety for the following uses:

(1) to cover administrative costs of the department of public safety to administer reimbursements under Minnesota Statutes, section 299A.465, and costs to implement and administer section 626.8478;

(2) to cover administrative costs of the Minnesota State Retirement System and the Public Employees Retirement Association after the respective psychological condition treatment accounts under Minnesota Statutes, section 352B.103 or section 353.033, are depleted; and

(3) to fund reimbursements of public employers under Minnesota Statutes, section 299A.465.

This is a onetime transfer. If, for a fiscal year after 2024, the public safety officer's benefit account does not have enough money remaining from the \$100,000,000 transferred to it in fiscal year 2024 to cover all administrative costs and reimbursements under clauses (1) to (3), the commissioner of public safety must first cover the costs under clause (2) for the fiscal year and, if any funds remain in the public safety officer's benefit account, the commissioner must cover the costs under clause (3) next and, if any funds remain in the public safety officer's benefit account, the commissioner must cover the costs under clause (1).

Sec. 29. **REPEALER.**

Minnesota Statutes 2022, section 353.656, subdivisions 2 and 2a, are repealed.

EFFECTIVE DATE. This section is effective January 1, 2024."

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government and Veterans.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Latz from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 200: A bill for an act relating to judiciary; eliminating the fee for uncertified copies of instruments from civil or criminal proceedings; providing expedited attorney entry to district courthouse buildings; providing attorneys secured access to court records; amending Minnesota Statutes 2022, section 357.021, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 484.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1**DATA PRIVACY****Section 1. [13.204] POLITICAL SUBDIVISIONS LICENSING DATA.**

(a) The following data submitted to a political subdivision by a person seeking to obtain a license are classified as private data on individuals or nonpublic data:

(1) a tax return, as defined by section 270B.01, subdivision 2; and

(2) a bank account statement.

(b) Notwithstanding section 138.17, data collected by a political subdivision as part of a license application and classified under paragraph (a) must be destroyed no later than 90 days after a final decision on the license application.

EFFECTIVE DATE. This section is effective the day following final enactment. Data which a political subdivision collected or created before the effective date of this section, and which would otherwise be subject to the destruction requirement in paragraph (b), must be destroyed no later than 90 days following final enactment.

Sec. 2. Minnesota Statutes 2022, section 13.72, subdivision 19, is amended to read:

Subd. 19. **Transit customer data.** (a) The following data on applicants, users, and customers of public transit are private data on individuals: (1) data collected by or through a government entity's personalized web services or the Metropolitan Council's regional fare collection system are private data on individuals; and (2) data collected by telephone or through a third-party software program for the purposes of booking and using public transit services. As used in this subdivision, the following terms have the meanings given ~~them~~:

(1) "regional fare collection system" means the fare collection system created and administered by the council that is used for collecting fares or providing fare cards or passes for transit services which includes:

(i) regular route bus service within the metropolitan area and paratransit service, whether provided by the council or by other providers of regional transit service;

(ii) light rail transit service within the metropolitan area;

(iii) rideshare programs administered by the council;

(iv) special transportation services provided under section 473.386; and

(v) commuter rail service;

(2) "personalized web services" means services for which transit service applicants, users, and customers must establish a user account; ~~and~~

(3) "metropolitan area" means the area defined in section 473.121, subdivision 2; and

(4) "third-party software program" means a software program that is proprietary to a third party, including a third-party software program commonly known as a mobile app, that collects and uses a public transit customer's name and other personally identifiable information, pick-up and drop-off locations, and other trip data for the purposes of booking and using public transit services.

(b) A government entity may disseminate data on user and customer transaction history and fare card use to government entities, organizations, school districts, educational institutions, and employers that subsidize or provide fare cards to their clients, students, or employees. "Data on user and customer transaction history and fare card use" means:

- (1) the date a fare card was used;
- (2) the time a fare card was used;
- (3) the mode of travel;
- (4) the type of fare product used; and
- (5) information about the date, time, and type of fare product purchased.

Government entities, organizations, school districts, educational institutions, and employers may use customer transaction history and fare card use data only for purposes of measuring and promoting fare card use and evaluating the cost-effectiveness of their fare card programs. If a user or customer requests in writing that the council limit the disclosure of transaction history and fare card use, the council may disclose only the card balance and the date a card was last used.

(c) A government entity may disseminate transit service applicant, user, and customer data to another government entity to prevent unlawful intrusion into government electronic systems, or as otherwise provided by law.

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

Sec. 3. Minnesota Statutes 2022, section 13.72, is amended by adding a subdivision to read:

Subd. 20. Transit assistance program data. (a) Data on applicants and users of Metropolitan Council programs established under section 473.387, subdivision 4, are classified as private data on individuals under section 13.02, subdivision 12.

(b) The council may disclose transit assistance program data to public or private agencies or organizations for the purposes of administering and coordinating human services programs and other support services for the applicants or users.

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

Sec. 4. **[13.991] JUDICIAL OFFICIAL DATA; PERSONAL INFORMATION.**

Personal information of all judicial officials collected, created, or maintained by a government entity is private data on individuals. For purposes of this section, the terms "personal information" and "judicial official" have the meanings given in section 480.40, subdivision 1.

Sec. 5. Minnesota Statutes 2022, section 473.387, subdivision 4, is amended to read:

Subd. 4. **Transit disadvantaged.** The council shall establish a program and policies to reduce transportation costs for persons who are, because of limited incomes, age, disability, or other reasons, especially dependent on public transit for common mobility. Data on applicants and users of council programs under this subdivision are classified as private data on individuals under section 13.72, subdivision 20.

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

Sec. 6. **[480.40] PERSONAL INFORMATION; CONFIDENTIALITY.**

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

(b) "Judicial official" includes:

(1) every Minnesota district court judge, senior judge, and every judge of the Minnesota Court of Appeals and every active, senior, recalled, or retired federal judge who resides in Minnesota;

(2) each justice of the Minnesota Supreme Court; and

(3) all employees of the Minnesota judicial branch.

(c) "Personal information" means:

(1) the home address of a judicial official;

(2) the home address of the spouse, domestic partner, or children of a judicial official;

(3) a nonjudicial branch issued telephone number or email address of a judicial official;

(4) the name of any child of a judicial official; and

(5) the name of any childcare facility or school that is attended by a child of a judicial official.

Subd. 2. **Confidentiality.** The personal information of all judicial officials maintained by a person, business, or association shall be confidential and no person, business, or association shall publicly post, display, or otherwise make publicly available on the Internet the personal information of any judicial official. Personal information shall be kept in a secure manner to prevent unauthorized access. Personal information may be disseminated pursuant to a specific authorization in law or with the written consent of the judicial official.

Sec. 7. **[484.94] ATTORNEY ACCESS TO COURT RECORDS.**

An attorney who is admitted and licensed to practice law in the state may apply for a Minnesota Government Access account to access electronic court records and documents stored in the Minnesota Court Information System for cases in state district courts. An attorney shall be able to view and print case documents and information without cost to the attorney.

Sec. 8. Minnesota Statutes 2022, section 609.5151, is amended to read:

609.5151 DISSEMINATION OF PERSONAL INFORMATION ABOUT LAW ENFORCEMENT OR THE JUDICIARY PROHIBITED; PENALTY.

Subdivision 1. **Definitions.** As used in this section:

(1) "family or household member" has the meaning given in section 518B.01, subdivision 2;

(2) "judicial official" includes:

(i) every Minnesota district court judge, senior judge, and every judge of the Minnesota Court of Appeals and every active, senior, recalled, or retired federal judge who resides in Minnesota;

(ii) each justice of the Minnesota Supreme Court; and

(iii) all employees of the Minnesota judicial branch;

(3) "law enforcement official" means both peace officers as defined in section 626.84, subdivision 1, and persons employed by a law enforcement agency; and

~~(3)~~ (4) "personal information" means a home address, directions to a home, or photographs of a home.

Subd. 2. **Crime described.** (a) It is a misdemeanor for a person to knowingly and without consent make publicly available, including but not limited to through the Internet, personal information about a law enforcement official or judicial official or an official's family or household member, if:

(1) the dissemination poses an imminent and serious threat to the official's safety or the safety of an official's family or household member; and

(2) the person making the information publicly available knows or reasonably should know of the imminent and serious threat.

(b) A person is guilty of a gross misdemeanor if the person violates paragraph (a) and a law enforcement official or judicial official or an official's family or household member suffers great bodily harm or death as a result of the violation.

(c) A person who is convicted of a second or subsequent violation of this section is guilty of a gross misdemeanor.

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

ARTICLE 2

CIVIL REMEDIES

Section 1. Minnesota Statutes 2022, section 168B.07, subdivision 3, is amended to read:

Subd. 3. **Retrieval of contents; right to reclaim.** (a) For purposes of this subdivision:

(1) "contents" does not include any permanently affixed mechanical or nonmechanical automobile parts; automobile body parts; or automobile accessories, including audio or video players; and

(2) "relief based on need" includes, but is not limited to, receipt of MFIP and Diversionary Work Program, medical assistance, general assistance, emergency general assistance, Minnesota supplemental aid, MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy assistance, emergency assistance, Supplemental Nutrition Assistance Program (SNAP) benefits, earned income tax credit, or Minnesota working family tax credit.

(b) A unit of government or impound lot operator ~~shall~~ must establish reasonable procedures for retrieval of vehicle contents, and may establish reasonable procedures to protect the safety and security of the impound lot and its personnel.

(c) At any time before the expiration of the waiting periods provided in section 168B.051, a registered owner of a vehicle who provides proof of identity that includes photographic identification and documentation from a government or nonprofit agency or legal aid office that the registered owner is homeless, receives relief based on need, or is eligible for legal aid services, has the unencumbered right to retrieve any and all contents without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle. A refusal by the impound lot operator to allow the registered owner to retrieve the vehicle contents after the owner provides valid documentation is a violation of this paragraph.

(d) An impound lot operator may make copies of the documents presented by the registered owner under paragraph (c), and the impound lot operator must return all of the original documents to the registered owner immediately after copying them.

Sec. 2. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to read:

Subd. 3a. **Retrieval of contents; identification, medicine, and medical equipment.** An impound lot operator must allow any registered vehicle owner to retrieve, or must retrieve for the vehicle owner, the following from the impounded vehicle: proof of identification; prescription medicine; and durable medical equipment, including but not limited to wheelchairs, prosthetics, canes, crutches, walkers, and external braces.

Sec. 3. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to read:

Subd. 3b. **Retrieval of contents; notice of denial.** (a) This subdivision applies to an impound lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit of government exclusively contracts to operate an impound lot solely for public use under section 168B.09.

(b) An impound lot operator who denies a request of a registered vehicle owner to retrieve vehicle contents after the registered owner presents documentation pursuant to subdivision 3, paragraph (c), must, at the time of denial, provide the registered owner with a written statement that identifies the specific reasons for the denial.

Sec. 4. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to read:

Subd. 3c. **Retrieval of contents; public notice.** (a) This subdivision applies to an impound lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit of government exclusively contracts to operate an impound lot solely for public use under section 168B.09.

(b) An impound lot operator must post a conspicuous notice at its place of operation in the following form:

"If you receive government benefits, are currently homeless, or are eligible for legal aid services, you have the right to get the contents out of your car free of charge IF you provide:

(1) a photo ID (such as a driver's license, passport, or employer ID); AND

(2) documentation from a government or nonprofit agency or from a legal aid office that shows you get benefits from a government program based on your income, you are homeless, or you are eligible for legal aid services. Examples of this documentation include BUT ARE NOT LIMITED TO:

- an EBT card;

- a Medical Assistance or MinnesotaCare card;

- a Supplemental Nutrition Assistance Program (SNAP) card; and

- a letter, email, or other document from a government agency, nonprofit organization, or legal aid organization showing that you get benefits from a government program based on your income, you are homeless, or you are eligible for legal aid services."

Sec. 5. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to read:

Subd. 3d. **Retrieval of contents; remedy.** (a) This subdivision applies to an impound lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit of government exclusively contracts to operate an impound lot solely for public use under section 168B.09.

(b) If an impound lot operator denies the registered owner the right to retrieve the vehicle contents in violation of subdivision 3, paragraph (c), an aggrieved registered vehicle owner has a cause of action against the impound lot operator as provided in this subdivision.

(c) If the vehicle and its contents remain in the possession of the impound lot operator and retrieval of the vehicle contents was denied in violation of subdivision 3, paragraph (c), an aggrieved registered vehicle owner is entitled to injunctive relief to retrieve the vehicle contents as well as reasonable attorney fees and costs.

(d) If an impound lot operator sells or disposes of the vehicle contents after the registered owner has provided the documentation required under subdivision 3, paragraph (c), an aggrieved registered vehicle owner is entitled to statutory damages in an amount of \$1,000 and reasonable attorney fees and costs. An action brought pursuant to this paragraph must be brought within 12 months of when the vehicle was impounded.

Sec. 6. Minnesota Statutes 2022, section 325F.70, is amended by adding a subdivision to read:

Subd. 3. **Private enforcement.** (a) In addition to the remedies otherwise provided by law, a consumer injured by a violation of sections 325F.68 to 325F.70, in connection with a sale of merchandise for personal, family, household, or agricultural purposes, may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney fees, and receive other equitable relief as determined by the court. An action brought under this section benefits the public.

(b) For the purposes of this subdivision:

(1) "consumer" means a natural person or family farmer;

(2) "family farmer" means a person or persons operating a family farm; and

(3) "family farm" has the meaning given in section 116B.02, subdivision 6.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to causes of action commenced on or after that date.

Sec. 7. Minnesota Statutes 2022, section 573.01, is amended to read:

573.01 SURVIVAL OF CAUSES.

A cause of action arising out of an injury to the person ~~dies with the person of the party in whose favor it exists, except as provided in~~ survives the death of any party in accordance with section 573.02. All other causes of action by one against another, whether arising on contract or not, survive to the personal representatives of the former and against those of the latter.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to causes of action pending on or commenced on or after that date.

Sec. 8. Minnesota Statutes 2022, section 573.02, subdivision 1, is amended to read:

Subdivision 1. **Death action.** When death is caused by the wrongful act or omission of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain an action therefor if the decedent might have maintained an action, had the decedent lived, for an injury caused by the wrongful act or omission. An action to recover damages for a death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall be commenced within three years of the date of death, but in no event shall be commenced beyond the time set forth in section 541.076. An action to recover damages for a death caused by an intentional act constituting murder may be commenced at any time after the death of the decedent. Any other action under this section may be commenced within three years after the date of death provided that the action must be commenced within six years after the act or omission. The recovery in the action is the amount the jury deems fair and just in reference to for all damages suffered by the decedent resulting from the injury prior to the decedent's death and the pecuniary loss resulting from the death, and shall be for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court then determines the proportionate pecuniary loss of the persons entitled to the recovery and orders distribution accordingly. Funeral expenses and any demand for the support

of the decedent allowed by the court having jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as provided in section 549.20.

If an action for the injury was commenced by the decedent and not finally determined while living, it may be continued by the trustee for recovery of all damages for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court on motion shall make an order allowing the continuance and directing pleadings to be made and issues framed as in actions begun under this section.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to causes of action pending on or commenced on or after that date.

Sec. 9. Minnesota Statutes 2022, section 573.02, subdivision 2, is amended to read:

Subd. 2. **Injury action.** When injury is caused to a person by the wrongful act or omission of any person or corporation and the person thereafter dies from a cause unrelated to those injuries, the trustee appointed in subdivision 3 may maintain an action for ~~special damages~~ all damages arising out of such injury if the decedent might have maintained an action therefor had the decedent lived. An action under this subdivision may be commenced within three years after the date of death provided that the action must be commenced within six years after the act or omission.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to causes of action pending on or commenced on or after that date.

ARTICLE 3

HUMAN RIGHTS

Section 1. Minnesota Statutes 2022, section 363A.02, subdivision 1, is amended to read:

Subdivision 1. **Freedom from discrimination.** (a) It is the public policy of this state to secure for persons in this state, freedom from discrimination:

(1) in employment because of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, gender identity, sexual orientation, familial status, and age;

(2) in housing and real property because of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, gender identity, sexual orientation, and familial status;

(3) in public accommodations because of race, color, creed, religion, national origin, sex, gender identity, sexual orientation, and disability;

(4) in public services because of race, color, creed, religion, national origin, sex, marital status, disability, gender identity, sexual orientation, and status with regard to public assistance; and

(5) in education because of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, gender identity, sexual orientation, and age.

(b) Such discrimination threatens the rights and privileges of the inhabitants of this state and menaces the institutions and foundations of democracy. It is also the public policy of this state to protect all persons from wholly unfounded charges of discrimination. Nothing in this chapter shall be interpreted as restricting the implementation of positive action programs to combat discrimination.

Sec. 2. Minnesota Statutes 2022, section 363A.03, subdivision 23, is amended to read:

Subd. 23. **Local commission.** "Local commission" means an agency of a city, county, or group of counties created pursuant to law, resolution of a county board, city charter, or municipal ordinance for the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, gender identity, sexual orientation, or familial status.

Sec. 3. Minnesota Statutes 2022, section 363A.03, subdivision 44, is amended to read:

Subd. 44. **Sexual orientation.** "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, ~~or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness.~~ "Sexual orientation" ~~does not include a physical or sexual attachment to children by an adult.~~

Sec. 4. Minnesota Statutes 2022, section 363A.03, is amended by adding a subdivision to read:

Subd. 50. **Gender identity.** "Gender identity" means a person's inherent sense of being a man, woman, both, or neither. A person's gender identity may or may not correspond to their assigned sex at birth or to their primary or secondary sex characteristics. A person's gender identity is not necessarily visible to others.

Sec. 5. Minnesota Statutes 2022, section 363A.04, is amended to read:

363A.04 CONSTRUCTION AND EXCLUSIVITY.

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or of any other law of this state relating to discrimination because of race, creed, color, religion, sex, age, disability, marital status, status with regard to public assistance, national origin, gender identity, sexual orientation, or familial status; but, as to acts declared unfair by sections 363A.08 to 363A.19, and 363A.28, subdivision 10, the procedure herein provided shall, while pending, be exclusive.

Sec. 6. Minnesota Statutes 2022, section 363A.06, subdivision 1, is amended to read:

Subdivision 1. **Formulation of policies.** (a) The commissioner shall formulate policies to effectuate the purposes of this chapter and shall do the following:

(1) exercise leadership under the direction of the governor in the development of human rights policies and programs, and make recommendations to the governor and the legislature for their consideration and implementation;

(2) establish and maintain a principal office in St. Paul, and any other necessary branch offices at any location within the state;

(3) meet and function at any place within the state;

(4) employ attorneys, clerks, and other employees and agents as the commissioner may deem necessary and prescribe their duties;

(5) to the extent permitted by federal law and regulation, utilize the records of the Department of Employment and Economic Development of the state when necessary to effectuate the purposes of this chapter;

(6) obtain upon request and utilize the services of all state governmental departments and agencies;

(7) adopt suitable rules for effectuating the purposes of this chapter;

(8) issue complaints, receive and investigate charges alleging unfair discriminatory practices, and determine whether or not probable cause exists for hearing;

(9) subpoena witnesses, administer oaths, take testimony, and require the production for examination of any books or papers relative to any matter under investigation or in question as the commissioner deems appropriate to carry out the purposes of this chapter;

(10) attempt, by means of education, conference, conciliation, and persuasion to eliminate unfair discriminatory practices as being contrary to the public policy of the state;

(11) develop and conduct programs of formal and informal education designed to eliminate discrimination and intergroup conflict by use of educational techniques and programs the commissioner deems necessary;

(12) make a written report of the activities of the commissioner to the governor each year;

(13) accept gifts, bequests, grants, or other payments public and private to help finance the activities of the department;

(14) create such local and statewide advisory committees as will in the commissioner's judgment aid in effectuating the purposes of the Department of Human Rights;

(15) develop such programs as will aid in determining the compliance throughout the state with the provisions of this chapter, and in the furtherance of such duties, conduct research and study discriminatory practices based upon race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, familial status, gender identity, sexual orientation, or other factors and develop accurate data on the nature and extent of discrimination and other matters as they may affect housing, employment, public accommodations, schools, and other areas of public life;

(16) develop and disseminate technical assistance to persons subject to the provisions of this chapter, and to agencies and officers of governmental and private agencies;

(17) provide staff services to such advisory committees as may be created in aid of the functions of the Department of Human Rights;

(18) make grants in aid to the extent that appropriations are made available for that purpose in aid of carrying out duties and responsibilities; and

(19) cooperate and consult with the commissioner of labor and industry regarding the investigation of violations of, and resolution of complaints regarding section 363A.08, subdivision 7.

In performing these duties, the commissioner shall give priority to those duties in clauses (8), (9), and (10) and to the duties in section 363A.36.

(b) All gifts, bequests, grants, or other payments, public and private, accepted under paragraph (a), clause (13), must be deposited in the state treasury and credited to a special account. Money in the account is appropriated to the commissioner of human rights to help finance activities of the department.

Sec. 7. Minnesota Statutes 2022, section 363A.07, subdivision 2, is amended to read:

Subd. 2. **Referral from commissioner.** The commissioner, whether or not a charge has been filed under this chapter, may refer a matter involving discrimination because of race, color, religion, sex, creed, disability, marital status, status with regard to public assistance, national origin, age, gender identity, sexual orientation, or familial status to a local commission for study and report.

Upon referral by the commissioner, the local commission shall make a report and make recommendations to the commissioner and take other appropriate action within the scope of its powers.

Sec. 8. Minnesota Statutes 2022, section 363A.08, subdivision 1, is amended to read:

Subdivision 1. **Labor organization.** Except when based on a bona fide occupational qualification, it is an unfair employment practice for a labor organization, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, disability, gender identity, sexual orientation, or age:

(1) to deny full and equal membership rights to a person seeking membership or to a member;

(2) to expel a member from membership;

(3) to discriminate against a person seeking membership or a member with respect to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(4) to fail to classify properly, or refer for employment or otherwise to discriminate against a person or member.

Sec. 9. Minnesota Statutes 2022, section 363A.08, subdivision 2, is amended to read:

Subd. 2. **Employer.** Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employer, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, membership or activity in a local commission, disability, gender identity, sexual orientation, or age to:

(1) refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment; or

(2) discharge an employee; or

(3) discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment.

Sec. 10. Minnesota Statutes 2022, section 363A.08, subdivision 3, is amended to read:

Subd. 3. **Employment agency.** Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employment agency, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, disability, gender identity, sexual orientation, or age to:

(1) refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person; or

(2) comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter.

Sec. 11. Minnesota Statutes 2022, section 363A.08, subdivision 4, is amended to read:

Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization, to:

(1) require or request the person to furnish information that pertains to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, disability, gender identity, sexual orientation, or age; or, subject to section 363A.20, to require or request a person to undergo physical examination; unless for the sole and exclusive purpose of national security, information pertaining to national origin is required by the United States, this state or a political subdivision or agency of the United States or this state, or for the sole and exclusive purpose of compliance with the Public Contracts Act or any rule, regulation, or laws of the United States or of this state requiring the information or examination. A law enforcement agency may, after notifying an applicant for a peace officer or part-time peace officer position that the law enforcement agency is commencing the background investigation on the applicant, request the applicant's date of birth, gender, and race on a separate form for the sole and exclusive purpose of conducting a criminal history check, a driver's license check, and fingerprint criminal history inquiry. The form shall include a statement indicating why the data is being collected and what its limited use will be. No document which has date of birth, gender, or race information will be included in the information given to or available to any person who is involved in selecting the person or persons employed

other than the background investigator. No person may act both as background investigator and be involved in the selection of an employee except that the background investigator's report about background may be used in that selection as long as no direct or indirect references are made to the applicant's race, age, or gender; or

(2) seek and obtain for purposes of making a job decision, information from any source that pertains to the person's race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, disability, gender identity, sexual orientation, or age, unless for the sole and exclusive purpose of compliance with the Public Contracts Act or any rule, regulation, or laws of the United States or of this state requiring the information; or

(3) cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, disability, gender identity, sexual orientation, or age.

(b) Any individual who is required to provide information that is prohibited by this subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28, subdivisions 1 to 9.

Sec. 12. Minnesota Statutes 2022, section 363A.08, is amended by adding a subdivision to read:

Subd. 8. **Inquiries into pay history prohibited.** (a) "Pay history" as used in this subdivision means any prior or current wage, salary, earnings, benefits, or any other compensation of an applicant for employment.

(b) An employer, employment agency, or labor organization shall not inquire into, consider, or require disclosure from any source the pay history of an applicant for employment for the purpose of determining wages, salary, earnings, benefits, or other compensation for that applicant. The general prohibition against inquiring into the pay history of an applicant does not apply if the job applicant's pay history is a matter of public record under federal or state law, unless the employer, employment agency, or labor organization sought access to those public records with the intent of obtaining pay history of the applicant for the purpose of determining wages, salary, earnings, benefits, or other compensation for that applicant.

(c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily and without asking, encouraging, or prompting disclosing pay history for the purposes of negotiating wages, salary, benefits, or other compensation. If an applicant for employment voluntarily and without asking, encouraging, or prompting discloses pay history to a prospective employer, employment agency, or labor organization, nothing in this subdivision shall prohibit that employer, employment agency, or labor organization from considering or acting on that voluntarily disclosed salary history information to support a wage or salary higher than initially offered by the employer, employment agency, or labor organization.

(d) Nothing in this subdivision limits, prohibits, or prevents a person from bringing a charge, grievance, or any other cause of action alleging wage discrimination because of race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, familial status, membership or activity in a local commission, disability, sexual orientation, or age, as otherwise provided in this chapter.

(e) Nothing in this subdivision shall be construed to prevent an employer from:

(1) providing information about the wages, benefits, compensation, or salary offered in relation to a position; or

(2) inquiring about or otherwise engaging in discussions with an applicant about the applicant's expectations or requests with respect to wages, salary, benefits, or other compensation.

EFFECTIVE DATE. This section is effective January 1, 2024. For employment covered by collective bargaining agreements, this section is not effective until the date of implementation of the applicable collective bargaining agreement that is after January 1, 2024.

Sec. 13. Minnesota Statutes 2022, section 363A.09, subdivision 1, is amended to read:

Subdivision 1. **Real property interest; action by owner, lessee, and others.** It is an unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these:

(1) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, gender identity, sexual orientation, or familial status; or

(2) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, gender identity, sexual orientation, or familial status in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith, except that nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended to protect the safety of minors in their use of the real property or any facilities or services furnished in connection therewith; or

(3) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, gender identity, sexual orientation, or familial status, or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this section prohibiting discrimination because of familial status do not apply to the dwelling unit.

Sec. 14. Minnesota Statutes 2022, section 363A.09, subdivision 2, is amended to read:

Subd. 2. **Real property interest; action by brokers, agents, and others.** It is an unfair discriminatory practice for a real estate broker, real estate salesperson, or employee, or agent thereof:

(1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any

person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, gender identity, sexual orientation, or familial status or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, gender identity, sexual orientation, or familial status; or

(2) to discriminate against any person because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, gender identity, sexual orientation, or familial status in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith; or

(3) to print, circulate, or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, gender identity, sexual orientation, or familial status or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this section prohibiting discrimination because of familial status do not apply to the dwelling unit.

Sec. 15. Minnesota Statutes 2022, section 363A.09, subdivision 3, is amended to read:

Subd. 3. **Real property interest; action by financial institution.** It is an unfair discriminatory practice for a person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property or any agent or employee thereof:

(1) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, gender identity, sexual orientation, or familial status of the person or group of persons or of the prospective occupants or tenants of the real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith; or

(2) to use any form of application for the financial assistance or make any record or inquiry in connection with applications for the financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, gender identity, sexual orientation, or familial status or any intent to make any such limitation, specification, or discrimination; or

(3) to discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair, or maintain real property in a specific urban or rural area or any part thereof solely because of the social, economic, or environmental conditions of the area in the granting,

withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith.

Sec. 16. Minnesota Statutes 2022, section 363A.09, subdivision 4, is amended to read:

Subd. 4. **Real property transaction.** It is an unfair discriminatory practice for any real estate broker or real estate salesperson, for the purpose of inducing a real property transaction from which the person, the person's firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sex, marital status, status with regard to public assistance, gender identity, sexual orientation, or disability of the owners or occupants in the block, neighborhood, or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood, or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

Sec. 17. Minnesota Statutes 2022, section 363A.11, subdivision 1, is amended to read:

Subdivision 1. **Full and equal enjoyment of public accommodations.** (a) It is an unfair discriminatory practice:

(1) to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, creed, religion, disability, national origin, marital status, gender identity, sexual orientation, or sex, or for a taxicab company to discriminate in the access to, full utilization of, or benefit from service because of a person's disability; or

(2) for a place of public accommodation not to make reasonable accommodation to the known physical, sensory, or mental disability of a disabled person. In determining whether an accommodation is reasonable, the factors to be considered may include:

(i) the frequency and predictability with which members of the public will be served by the accommodation at that location;

(ii) the size of the business or organization at that location with respect to physical size, annual gross revenues, and the number of employees;

(iii) the extent to which disabled persons will be further served from the accommodation;

(iv) the type of operation;

(v) the nature and amount of both direct costs and legitimate indirect costs of making the accommodation and the reasonableness for that location to finance the accommodation; and

(vi) the extent to which any persons may be adversely affected by the accommodation.

(b) State or local building codes control where applicable. Violations of state or local building codes are not violations of this chapter and must be enforced under normal building code procedures.

Sec. 18. Minnesota Statutes 2022, section 363A.12, subdivision 1, is amended to read:

Subdivision 1. **Access to public service.** It is an unfair discriminatory practice to discriminate against any person in the access to, admission to, full utilization of or benefit from any public service because of race, color, creed, religion, national origin, disability, sex, gender identity, sexual orientation, or status with regard to public assistance or to fail to ensure physical and program access for disabled persons unless the public service can demonstrate that providing the access would impose an undue hardship on its operation. In determining whether providing physical and program access would impose an undue hardship, factors to be considered include:

- (1) the type and purpose of the public service's operation;
- (2) the nature and cost of the needed accommodation;
- (3) documented good faith efforts to explore less restrictive or less expensive alternatives; and
- (4) the extent of consultation with knowledgeable disabled persons and organizations.

Physical and program access must be accomplished within six months of June 7, 1983, except for needed architectural modifications, which must be made within two years of June 7, 1983.

Sec. 19. Minnesota Statutes 2022, section 363A.13, subdivision 1, is amended to read:

Subdivision 1. **Utilization; benefit or services.** It is an unfair discriminatory practice to discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any person because of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, gender identity, sexual orientation, or disability, or to fail to ensure physical and program access for disabled persons. For purposes of this subdivision, program access includes but is not limited to providing taped texts, interpreters or other methods of making orally delivered materials available, readers in libraries, adapted classroom equipment, and similar auxiliary aids or services. Program access does not include providing attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

Sec. 20. Minnesota Statutes 2022, section 363A.13, subdivision 2, is amended to read:

Subd. 2. **Exclude, expel, or selection.** It is an unfair discriminatory practice to exclude, expel, or otherwise discriminate against a person seeking admission as a student, or a person enrolled as a student because of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, gender identity, sexual orientation, or disability.

Sec. 21. Minnesota Statutes 2022, section 363A.13, subdivision 3, is amended to read:

Subd. 3. **Admission form or inquiry.** It is an unfair discriminatory practice to make or use a written or oral inquiry, or form of application for admission that elicits or attempts to elicit information, or to make or keep a record, concerning the creed, religion, gender identity, sexual orientation, or disability of a person seeking admission, except as permitted by rules of the department.

Sec. 22. Minnesota Statutes 2022, section 363A.13, subdivision 4, is amended to read:

Subd. 4. **Purpose for information and record.** It is an unfair discriminatory practice to make or use a written or oral inquiry or form of application that elicits or attempts to elicit information,

or to keep a record concerning the race, color, national origin, sex, gender identity, sexual orientation, age, or marital status of a person seeking admission, unless the information is collected for purposes of evaluating the effectiveness of recruitment, admissions, and other educational policies, and is maintained separately from the application.

Sec. 23. Minnesota Statutes 2022, section 363A.16, subdivision 1, is amended to read:

Subdivision 1. **Personal or commercial credit.** It is an unfair discriminatory practice to discriminate in the extension of personal or commercial credit to a person, or in the requirements for obtaining credit, because of race, color, creed, religion, disability, national origin, sex, gender identity, sexual orientation, or marital status, or due to the receipt of federal, state, or local public assistance including medical assistance.

Sec. 24. Minnesota Statutes 2022, section 363A.17, is amended to read:

363A.17 BUSINESS DISCRIMINATION.

It is an unfair discriminatory practice for a person engaged in a trade or business or in the provision of a service:

(1) to refuse to do business with or provide a service to a woman based on her use of her current or former surname; or

(2) to impose, as a condition of doing business with or providing a service to a woman, that a woman use her current surname rather than a former surname; or

(3) to intentionally refuse to do business with, to refuse to contract with, or to discriminate in the basic terms, conditions, or performance of the contract because of a person's race, national origin, color, sex, gender identity, sexual orientation, or disability, unless the alleged refusal or discrimination is because of a legitimate business purpose.

Nothing in this section shall prohibit positive action plans.

Sec. 25. Minnesota Statutes 2022, section 363A.21, subdivision 1, is amended to read:

Subdivision 1. **Housing.** The provisions of section 363A.09 shall not apply to:

(1) rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex; or

(2) the rental by a resident owner or occupier of a one-family accommodation of a room or rooms in the accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance, gender identity, sexual orientation, or disability. Except as provided elsewhere in this chapter or other state or federal law, no person or group of persons selling, renting, or leasing property is required to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement, or contract; ~~or.~~

~~(3) the rental by a resident owner of a unit in a dwelling containing not more than two units, if the discrimination is on the basis of sexual orientation.~~

Sec. 26. **REPEALER.**

Minnesota Statutes 2022, sections 363A.20, subdivision 3; and 363A.27, are repealed.

ARTICLE 4

CIVIL AND CRIMINAL PROCEDURE

Section 1. Minnesota Statutes 2022, section 169A.63, subdivision 8, is amended to read:

Subd. 8. **Administrative forfeiture procedure.** (a) A motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation is subject to administrative forfeiture under this subdivision.

(b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within a reasonable time after seizure, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership, possessory, or security interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to be registered under chapter 168, the notification to a person known to have a security interest in the vehicle is required only if the vehicle is registered under chapter 168 and the interest is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting authority, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown. Notice mailed by certified mail to the address shown in Department of Public Safety records is sufficient notice to the registered owner of the vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed by certified mail to the address shown in the applicable filing or registration for the vehicle is sufficient notice to a person known to have an ownership, possessory, or security interest in the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English. This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English.

Substantially the following language must appear conspicuously in the notice:

"WARNING: If you were the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not file a lawsuit and serve the prosecuting authority within 60 days. You may file your lawsuit in conciliation

court if the property is worth \$15,000 or less; otherwise, you must file in district court. You do not have to pay a filing fee for your lawsuit.

WARNING: If you have an ownership interest in the above-described property and were not the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not notify the prosecuting authority of your interest in writing within 60 days."

(d) If notice is not sent in accordance with paragraph (b), and no time extension is granted or the extension period has expired, the appropriate agency shall return the vehicle to the owner. An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time.

(e) Within 60 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture. The claimant may serve the complaint by certified mail or any means permitted by court rules. If the value of the seized property is \$15,000 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle. A copy of the conciliation court statement of claim ~~must~~ may be served personally or ~~by mail~~ as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority having jurisdiction over the forfeiture within 60 days following service of the notice of seizure and forfeiture under this subdivision. The claimant does not have to pay the court filing fee.

No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The prosecuting authority may appear for the appropriate agency. Pleadings, filings, and methods of service are governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation Court Procedure.

(f) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant, and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and any affirmative defenses the claimant may have. Notwithstanding any law to the contrary, an action for the return of a vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(g) If the claimant makes a timely demand for a judicial determination under this subdivision, the forfeiture proceedings must be conducted as provided under subdivision 9.

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

Sec. 2. Minnesota Statutes 2022, section 504B.301, is amended to read:

504B.301 EVICTION ACTION FOR UNLAWFUL DETENTION.

A person may be evicted if the person has unlawfully or forcibly occupied or taken possession of real property or unlawfully detains or retains possession of real property.

~~A seizure under section 609.5317, subdivision 1, for which there is not a defense under section 609.5317, subdivision 3, constitutes unlawful detention by the tenant.~~

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

Sec. 3. Minnesota Statutes 2022, section 590.01, subdivision 4, is amended to read:

Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than two years after the later of:

- (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or
- (2) an appellate court's disposition of petitioner's direct appeal.

(b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief if:

(1) the petitioner establishes that a physical disability or mental disease precluded a timely assertion of the claim;

(2) the petitioner alleges the existence of newly discovered evidence, including scientific evidence, that provides the factual predicate for one or more claims for relief, if such evidence could not have been ascertained by the exercise of due diligence by the petitioner or petitioner's attorney within the two-year time period for filing a postconviction petition, ~~and the evidence is not cumulative to evidence presented at trial, and is not for impeachment purposes, and establishes by a clear and convincing standard that the petitioner is innocent of the offense or offenses for which the petitioner was convicted;~~

(3) the petitioner asserts a new interpretation of federal or state constitutional or statutory law by either the United States Supreme Court or a Minnesota appellate court and the petitioner establishes that this interpretation is retroactively applicable to the petitioner's case;

(4) the petition is brought pursuant to subdivision 3; or

(5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous and is in the interests of justice.

(c) Any petition invoking an exception provided in paragraph (b) must be filed within two years of the date the claim arises.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 4. Minnesota Statutes 2022, section 609.5314, subdivision 3, is amended to read:

Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority for that county. The claimant may serve the complaint on the prosecuting authority by certified mail or any means permitted by court rules. If the value of the seized property is \$15,000 or less, the claimant may file an action in conciliation court for

recovery of the seized property. A copy of the conciliation court statement of claim may be served personally or as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority having jurisdiction over the forfeiture within 60 days following service of the notice of seizure and forfeiture under this subdivision. The claimant does not have to pay the court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The district court administrator shall schedule the hearing as soon as practicable after, and in any event no later than 90 days following, the conclusion of the criminal prosecution. The proceedings are governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation Court Procedure.

(b) The complaint must be captioned in the name of the claimant as plaintiff and the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3, apply to the judicial determination.

(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court may order sanctions under section 549.211. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5.

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

Sec. 5. [634.025] CONFESSION; INADMISSIBLE WHEN DECEPTION IS USED.

Any admission, confession, or statement, whether written or oral, made by any person during a custodial interrogation by a law enforcement agency official, juvenile court official, or their agent, is involuntarily made and inadmissible in any proceeding if, during the interrogation, a law enforcement agency official or juvenile court official or their agent knowingly:

- (1) communicated false facts about evidence;
- (2) misrepresented the accuracy of facts; or
- (3) communicated unauthorized statements regarding leniency.

EFFECTIVE DATE. This section is effective January 1, 2024, and applies to admission, confession, or statement, whether written or oral, made on or after that date.

Sec. 6. REPEALER.

Minnesota Statutes 2022, section 504B.305, is repealed.

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

ARTICLE 5

MARRIAGE AND NAME CHANGE

Section 1. Minnesota Statutes 2022, section 259.11, is amended to read:

259.11 ORDER; FILING COPIES.

(a) Upon meeting the requirements of section 259.10, the court shall grant the application unless: (1) it finds that there is an intent to defraud or mislead; (2) section 259.13 prohibits granting the name change; or (3) in the case of the change of a minor child's name, the court finds that such name change is not in the best interests of the child. The court shall set forth in the order the name and age of the applicant's spouse and each child of the applicant, if any, and shall state a description of the lands, if any, in which the applicant and the spouse and children, if any, claim to have an interest. The court administrator shall file such order, and record the same in the judgment book. If lands be described therein, a certified copy of the order shall be filed for record, by the applicant, with the county recorder of each county wherein any of the same are situated. Before doing so the court administrator shall present the same to the county auditor who shall enter the change of name in the auditor's official records and note upon the instrument, over an official signature, the words "change of name recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until the applicant shall have paid to the county recorder and court administrator the fee required by law. No application shall be denied on the basis of the marital status of the applicant.

(b) When a person applies for a name change, the court shall determine whether the person has a criminal history in this or any other state. The court may conduct a search of national records through the Federal Bureau of Investigation by submitting a set of fingerprints and the appropriate fee to the Bureau of Criminal Apprehension. If it is determined that the person has a criminal history in this or any other state, the court shall, within ten days after the name change application is granted, report the name change to the Bureau of Criminal Apprehension. The person whose name is changed shall also report the change to the Bureau of Criminal Apprehension within ten days. The court granting the name change application must explain this reporting duty in its order. Any person required to report the person's name change to the Bureau of Criminal Apprehension who fails to report the name change as required under this paragraph is guilty of a gross misdemeanor.

(c) Paragraph (b) does not apply to ~~either~~:

(1) a request for a name change as part of an application for a marriage license under section 517.08; ~~or~~

(2) a request for a name change in conjunction with a marriage dissolution under section 518.27;
or

(3) a request for a name change filed under section 259.14.

Sec. 2. Minnesota Statutes 2022, section 259.13, subdivision 1, is amended to read:

Subdivision 1. **Procedure for seeking name change.** (a) A person with a felony conviction under Minnesota law or the law of another state or federal jurisdiction shall serve a notice of application for a name change on the prosecuting authority that obtained the conviction against the person when seeking a name change through one of the following procedures:

(1) an application for a name change under section 259.10;

~~(2) a request for a name change as part of an application for a marriage license under section 517.08; or~~

~~(3) (2) a request for a name change in conjunction with a marriage dissolution under section 518.27; or~~

(3) a request for a name change under section 259.14.

If the conviction is from another state or federal jurisdiction, notice of application must also be served on the attorney general.

(b) A person who seeks a name change under section 259.10 or 518.27 shall file proof of service with the court as part of the name change request. ~~A person who seeks a name change under section 517.08 shall file proof of service with the county as part of the application for a marriage license.~~

(c) The name change request may not be granted during the 30-day period provided for in subdivision 2 or, if an objection is filed under subdivision 2, until satisfaction of the requirements in subdivision 3 or 4. Nothing in this section shall delay the granting of a marriage license under section 517.08, which may be granted without the name change.

Sec. 3. [259.14] POSTDISSOLUTION NAME CHANGE.

(a) Unless section 259.13 applies, a person who has resided in this state for at least six months and obtained the person's most recent final marriage dissolution from a district court may apply to the district court in the county where the person resides to change the person's name to the legal name on the person's birth certificate. A person applying for a name change must submit a certified copy of the certificate of dissolution issued pursuant to section 518.148 and a certified copy of the person's birth certificate. A person applying for a name change who obtained a divorce in a state other than Minnesota must submit a certified copy of the certificate of dissolution or a certified copy of an equivalent court order ending the marriage and a certified copy of the person's birth certificate.

(b) A court shall not require a person applying for a name change to pay filing fees for an application submitted pursuant to this section. Notwithstanding section 259.10, a court shall not require the person applying for a name change pursuant to this section to provide proof of the person's identity by two witnesses unless the proof of identity is necessary to determine whether the person has an intent to defraud or mislead the court.

(c) Upon meeting the requirements of this section, the court shall grant the application for a name change unless the court finds that (1) the person has an intent to defraud or mislead the court; or (2) the name change is subject to section 259.13. The court shall notify the person applying for a name change that using a different surname without complying with section 259.13, if applicable, is a gross misdemeanor.

Sec. 4. Minnesota Statutes 2022, section 517.04, is amended to read:

517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.

Civil marriages may be solemnized throughout the state by an individual who has attained the age of 21 years and is a judge of a court of record, a retired judge of a court of record, a court administrator, a retired court administrator with the approval of the chief judge of the judicial district, a former court commissioner who is employed by the court system or is acting pursuant to an order of the chief judge of the commissioner's judicial district, the residential school superintendent of the Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, a licensed or ordained minister of any religious denomination, an individual who registers as a civil marriage officiant with a local registrar in a county of this state, or by any mode recognized in section 517.18. For purposes of this section, a court of record includes the Office of Administrative Hearings under section 14.48.

Sec. 5. Minnesota Statutes 2022, section 517.08, subdivision 1a, is amended to read:

Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the parties upon a form provided for the purpose and shall contain the following information:

- (1) the full names of the parties and the sex of each party;
- (2) their post office addresses and county and state of residence;
- (3) their full ages;
- (4) if either party has previously been married, the party's married name, and the date, place and court in which the civil marriage was dissolved or annulled or the date and place of death of the former spouse;
- (5) whether the parties are related to each other, and, if so, their relationship;
- (6) the address of the parties after the civil marriage is entered into to which the local registrar shall send a certified copy of the civil marriage certificate;
- (7) the full names the parties will have after the civil marriage is entered into and the parties' Social Security numbers. The Social Security numbers must be collected for the application but must not appear on the civil marriage license. If a party listed on a civil marriage application does not have a Social Security number, the party must certify on the application, or a supplement to the application, that the party does not have a Social Security number;
- (8) if one ~~or both of the parties~~ party to the civil marriage license has a felony conviction under Minnesota law or the law of another state or federal jurisdiction, ~~the parties shall provide to the county proof of service upon the prosecuting authority and, if applicable, the attorney general, as required by party may not change the party's name through the marriage application process and must follow the process in~~ section 259.13 to change the party's name; and
- (9) notice that a party who has a felony conviction under Minnesota law or the law of another state or federal jurisdiction may not use a different name after a civil marriage except as authorized by section 259.13, and that doing so is a gross misdemeanor.

Sec. 6. Minnesota Statutes 2022, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. Term of license; fee; premarital education. (a) The local registrar shall examine upon oath the parties applying for a license relative to the legality of the contemplated civil marriage. Both parties must present proof of age to the local registrar. If one party is unable to appear in person, the party appearing may complete the absent applicant's information. The local registrar shall provide a copy of the civil marriage application to the party who is unable to appear, who must verify the accuracy of the appearing party's information in a notarized statement. The verification statement must be accompanied by a copy of proof of age of the party. The civil marriage license must not be released until the verification statement and proof of age has been received by the local registrar. If the local registrar is satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the local registrar shall issue the license, containing the full names of the parties before and after the civil marriage, and county and state of residence, with the county seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. Except as provided in paragraph (b), the local registrar shall collect from the applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital records the reports of civil marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the local registrar for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A local registrar who knowingly issues or signs a civil marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) The civil marriage license fee for parties who have completed at least 12 hours of premarital education is \$40. In order to qualify for the reduced license fee, the parties must submit at the time of applying for the civil marriage license a statement that is signed, dated, and notarized or marked with a church seal from the person who provided the premarital education on their letterhead confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize civil marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

(c) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, (name of educator), confirm that (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize civil marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the civil marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

~~(d) If section 259.13 applies to the request for a civil marriage license, the local registrar shall grant the civil marriage license without the requested name change. Alternatively, the local registrar may delay the granting of the civil marriage license until the party with the conviction:~~

~~(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or~~

~~(2) provides a certified copy of the court order granting it. The parties seeking the civil marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request.~~

ARTICLE 6

REAL PROPERTY

Section 1. Minnesota Statutes 2022, section 336.9-601, is amended to read:

336.9-601 RIGHTS AFTER DEFAULT; JUDICIAL ENFORCEMENT; CONSIGNOR OR BUYER OF ACCOUNTS, CHATTEL PAPER, PAYMENT INTANGIBLES, OR PROMISSORY NOTES.

(a) **Rights of secured party after default.** After default, a secured party has the rights provided in this part and, except as otherwise provided in section 336.9-602, those provided by agreement of the parties. A secured party:

(1) may reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) if the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(b) **Rights and duties of secured party in possession or control.** A secured party in possession of collateral or control of collateral under section 336.7-106, 336.9-104, 336.9-105, 336.9-106, or 336.9-107 has the rights and duties provided in section 336.9-207.

(c) **Rights cumulative; simultaneous exercise.** The rights under subsections (a) and (b) are cumulative and may be exercised simultaneously.

(d) **Rights of debtor and obligor.** Except as otherwise provided in subsection (g) and section 336.9-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) **Lien of levy after judgment.** If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

(1) the date of perfection of the security interest or agricultural lien in the collateral;

(2) the date of filing a financing statement covering the collateral; or

(3) any date specified in a statute under which the agricultural lien was created.

(f) **Execution sale.** A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this article.

(g) **Consignor or buyer of certain rights to payment.** Except as otherwise provided in section 336.9-607 (c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

(h) **Security interest in collateral that is agricultural property; enforcement.** A person may not begin to enforce a security interest in collateral that is agricultural property subject to sections 583.20 to 583.32 that has secured a debt of more than the amount provided in section 583.24, subdivision 5, unless: a mediation notice under subsection (i) is served on the debtor after a condition of default has occurred in the security agreement and a copy served on the director of the ~~agricultural~~ Minnesota extension service; and the debtor and creditor have completed mediation under sections 583.20 to 583.32; or as otherwise allowed under sections 583.20 to 583.32.

(i) **Mediation notice.** A mediation notice under subsection (h) must contain the following notice with the blanks properly filled in.

"TO: ...(Name of Debtor)..."

YOU HAVE DEFAULTED ON THE ...(Debt in Default)... SECURED BY AGRICULTURAL PROPERTY DESCRIBED AS ...(Reasonable Description of Agricultural Property Collateral). THE AMOUNT OF THE OUTSTANDING DEBT IS ...(Amount of Debt)...

AS A SECURED PARTY, ...(Name of Secured Party)... INTENDS TO ENFORCE THE SECURITY AGREEMENT AGAINST THE AGRICULTURAL PROPERTY DESCRIBED ABOVE BY REPOSSESSING, FORECLOSING ON, OR OBTAINING A COURT JUDGMENT AGAINST THE PROPERTY.

YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY ENFORCES THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU TO PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE ~~AT ANY COUNTY RECORDER'S OR~~

COUNTY EXTENSION OFFICE FROM THE DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

FROM: ...(Name and Address of Secured Party)..."

Sec. 2. Minnesota Statutes 2022, section 507.07, is amended to read:

507.07 WARRANTY AND QUITCLAIM DEEDS; ~~FORMS.~~

Warranty and quitclaim deeds may be substantially in the following forms:

WARRANTY DEED

A.B., grantor, of (here insert the place of residence), for and in consideration of (here insert the consideration), conveys and warrants to C.D., grantee, of (here insert the place of residence), the following described real estate in the county of, in the state of Minnesota: (here describe the premises).

Dated this day of,

(Signature)

Every such instrument, duly executed as required by law, shall be a conveyance in fee simple of the premises described to the grantee, the grantee's heirs and assigns, with covenants on the part of the grantor, the grantor's heirs and personal representatives, that the grantor is lawfully seized of the premises in fee simple and has good right to convey the same; that the premises are free from all encumbrances; that the grantor warrants to the grantee, the grantee's heirs and assigns, the quiet and peaceable possession thereof; and that the grantor will defend the title thereto against all persons who may lawfully claim the same. Such covenants shall be obligatory upon any grantor, the grantor's heirs and personal representatives, as fully and with like effect as if written at length in such deed.

QUITCLAIM DEED

A.B., grantor, of (here insert the place of residence), for the consideration of (here insert the consideration), conveys and quitclaims to C.D., the grantee, of (here insert the place of residence), all interest in the following described real estate in the county of, in the state of Minnesota: (here describe the premises).

Dated this day of,

(Signature)

Every such instrument, duly executed, shall be a conveyance to the grantee, the grantee's heirs and assigns, of all right, title, and interest of the grantor in the premises described, but shall not extend to after acquired title, unless words expressing such intention be added.

Sec. 3. Minnesota Statutes 2022, section 508.52, is amended to read:

508.52 CONVEYANCE; CANCELLATION OF OLD AND ISSUANCE OF NEW CERTIFICATE.

An owner of registered land who desires to convey the land, or a portion thereof, in fee, shall execute a deed of conveyance, and record the deed with the registrar. The deed of conveyance shall be recorded and endorsed with the number and place of registration of the certificate of title. Before canceling the outstanding certificate of title the registrar shall show by memorial thereon the registration of the deed on the basis of which it is canceled. The encumbrances, claims, or interests adverse to the title of the registered owner shall be stated upon the new certificate, except so far as they may be simultaneously released or discharged. The registrar shall not carry forward as a memorial on the new certificate of title any memorials of a transfer on death deed if the grantors of the transfer on death deed retain no fee interest in the land covered by the new certificate. The certificate of title shall be marked "Canceled" by the registrar, who shall enter in the register a new certificate of title to the grantee and prepare ~~and deliver to the grantee a copy of the new certificate of title.~~ The registrar, upon request, shall deliver to the grantee a copy of the new certificate of title. If a deed in fee is for a portion of the land described in a certificate of title, the memorial of the deed entered by the registrar shall include the legal description contained in the deed and the registrar shall enter a new certificate of title to the grantee for the portion of the land conveyed and, except as otherwise provided in this section, issue a residue certificate of title to the grantor for the portion of the land not conveyed. The registrar shall prepare and, upon request, deliver to each of the parties a copy of their respective certificates of title. In lieu of canceling the grantor's certificate of title and issuing a residue certificate to the grantor for the portion of the land not conveyed, the registrar may if the grantor's deed does not divide a parcel of unplatted land, and in the absence of a request to the contrary by the registered owner, mark by the land description on the certificate of title "Part of land conveyed, see memorials." The fee for a residue certificate of title shall be paid to the registrar only when the grantor's certificate of title is canceled after the conveyance by the grantor of a portion of the land described in the grantor's certificate of title. When two or more successive conveyances of the same property are filed for registration on the same day the registrar may enter a certificate in favor of the grantee or grantees in the last of the successive conveyances, and the memorial of the previous deed or deeds entered on the prior certificate of title shall have the same force and effect as though the prior certificate of title had been entered in favor of the grantee or grantees in the earlier deed or deeds in the successive conveyances. The fees for the registration of the earlier deed or deeds shall be the same as the fees prescribed for the entry of memorials. The registrar of titles, with the consent of the transferee, may mark "See memorials for new owner(s)" by the names of the registered owners on the certificate of title and also add to the memorial of the transferring conveyance a statement that the memorial shall serve in lieu of a new certificate of title in favor of the grantee or grantees therein noted and may refrain from canceling the certificate of title until the time it is canceled by a subsequent transfer, and the memorial showing such transfer of title shall have the same effect as the entry of a new certificate of title for the land described in the certificate of title; the fee for the registration of a conveyance without cancellation of the certificate of title shall be the same as the fee prescribed for the entry of a memorial.

Sec. 4. Minnesota Statutes 2022, section 518.191, subdivision 1, is amended to read:

Subdivision 1. **Abbreviated judgment and decree.** If real estate is described in a judgment and decree of dissolution, the court ~~may~~ shall direct either of the parties or their legal counsel to prepare and submit to the court a proposed summary real estate disposition judgment. Upon approval by the court and filing of the summary real estate disposition judgment with the court administrator, the court administrator shall provide to any party upon request certified copies of the summary real estate disposition judgment.

Sec. 5. Minnesota Statutes 2022, section 518.191, subdivision 3, is amended to read:

Subd. 3. **Court order.** An order or provision in a judgment and decree that provides that the judgment and decree must be recorded in the office of the county recorder or filed in the office of the registrar of titles means, if a summary real estate disposition judgment has been approved by the court, that the summary real estate disposition judgment, rather than the judgment and decree, must be recorded in the office of the county recorder or filed in the office of the registrar of titles. The recorder or registrar of titles is not responsible for determining if a summary real estate disposition judgment has been approved by the court.

Sec. 6. Minnesota Statutes 2022, section 541.023, subdivision 6, is amended to read:

Subd. 6. **Limitations; certain titles not affected.** This section shall not affect any rights of the federal government; nor increase the effect as notice, actual or constructive, of any instrument now of record; nor bar the rights of any person, partnership, state agency or department, or corporation in possession of real estate. This section shall not impair the record title or record interest, or title obtained by or through any congressional or legislative grant, of any railroad corporation or other public service corporation or any trustee or receiver thereof or of any educational or religious corporation in any real estate by reason of any failure to record further evidence of such title or interest even though the record thereof is now or hereafter more than 40 years old; nor shall this section require the recording of any notice as provided for in this section as to any undischarged mortgage or deed of trust executed by any such corporation or any trustee or receiver thereof or to any claim or action founded upon any such undischarged mortgage or deed of trust. The exceptions of this subdivision shall not include (1) reservations or exceptions of land for right-of-way or other railroad purposes contained in deeds of conveyance made by a railroad company or by trustees or receivers thereof, unless said reserved or excepted land shall have been put to railroad use within 40 years after the date of said deeds of conveyance, (2) nor any rights under any conditions subsequent or restrictions contained in any such deeds of conveyance.

Sec. 7. Minnesota Statutes 2022, section 550.365, subdivision 2, is amended to read:

Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks properly filled in.

"TO:(Name of Judgment Debtor)....

A JUDGMENT WAS ORDERED AGAINST YOU BY(Name of Court).... ON(Date of Judgment).

AS A JUDGMENT CREDITOR,(Name of Judgment Creditor).... INTENDS TO TAKE ACTION AGAINST THE AGRICULTURAL PROPERTY DESCRIBED AS....(Description of Agricultural Property).... TO SATISFY THE JUDGMENT IN THE AMOUNT OF(Amount of Debt)....

YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY ENFORCES THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE ~~AGRICULTURAL MINNESOTA~~ EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE FROM THE DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

FROM:(Name and Address of Judgment Creditor)...."

Sec. 8. Minnesota Statutes 2022, section 559.209, subdivision 2, is amended to read:

Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks properly filled in.

"TO:(Name of Contract for Deed Purchaser)....

YOU HAVE DEFAULTED ON THE CONTRACT FOR DEED OF THE AGRICULTURAL PROPERTY DESCRIBED AS(Size and Reasonable Location of Property, Not Legal Description). THE AMOUNT OF THE OUTSTANDING DEBT IS(Amount of Debt)....

AS THE CONTRACT FOR DEED VENDOR,(Contract for Deed Vendor).... INTENDS TO TERMINATE THE CONTRACT AND TAKE BACK THE PROPERTY.

YOU HAVE THE RIGHT TO HAVE THE CONTRACT FOR DEED DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE CONTRACT FOR DEED VENDOR BEGINS REMEDIES TO ENFORCE THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE ~~AGRICULTURAL MINNESOTA~~ EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE CONTRACT FOR DEED DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU RECEIVE THE NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT ANY COUNTY EXTENSION OFFICE FROM THE DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

FROM:(Name and Address of Contract for Deed Vendor)...."

Sec. 9. Minnesota Statutes 2022, section 582.039, subdivision 2, is amended to read:

Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks properly filled in.

"TO:(Name of Record Owner)...."

YOU HAVE DEFAULTED ON THE MORTGAGE OF THE AGRICULTURAL PROPERTY DESCRIBED AS(Size and Reasonable Location, Not Legal Description). THE AMOUNT OF THE OUTSTANDING DEBT ON THIS PROPERTY IS(Amount of Debt)....

AS HOLDER OF THE MORTGAGE,(Name of Holder of Mortgage).... INTENDS TO FORECLOSE ON THE PROPERTY DESCRIBED ABOVE.

YOU HAVE THE RIGHT TO HAVE THE MORTGAGE DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY ENFORCES THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE ~~AGRICULTURAL MINNESOTA~~ EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE MORTGAGE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE ~~AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

FROM:(Name and Address of Holder of Mortgage)...."

Sec. 10. Minnesota Statutes 2022, section 583.25, is amended to read:

583.25 VOLUNTARY MEDIATION PROCEEDINGS.

A debtor that owns agricultural property or a creditor of the debtor may request mediation of the indebtedness by a farm mediator by applying to the director. The director shall ~~make provide~~ provide voluntary mediation application forms ~~available at the county recorder's and county extension office in each county when requested.~~ available at the director's office when requested. The director must evaluate each request and may direct a mediator to meet with the debtor and creditor to assist in mediation.

Sec. 11. Minnesota Statutes 2022, section 583.26, subdivision 2, is amended to read:

Subd. 2. **Mediation request.** (a) A debtor must file a mediation request form with the director by 14 days after receiving a mediation notice. The debtor must state all known creditors with debts secured for agricultural property and must authorize the director to obtain the debtor's credit report from one or more credit reporting agencies. The mediation request form must include an instruction that the debtor must state all known creditors with debts secured by agricultural property and unsecured creditors that are necessary for the farm operation of the debtor. It is the debtor's discretion as to which unsecured creditors are necessary for the farm operation but the mediation request form must notify the debtor that omission of a significant unsecured creditor could result in a bad-faith determination pursuant to section 583.27, subdivisions 1, paragraph (a), clause (2), and 2. The mediation request must state the date that the notice was served on the debtor. The director shall ~~make~~ provide mediation request forms ~~available in the county recorder's and county extension office of each county when requested.~~

(b) Except as provided in section 583.24, subdivision 4, paragraph (a), clause (3), a debtor who fails to file a timely mediation request waives the right to mediation for that debt under the Farmer-Lender Mediation Act. The director shall notify the creditor who served the mediation notice stating that the creditor may proceed against the agricultural property because the debtor has failed to file a mediation request.

(c) If a debtor has not received a mediation notice and is subject to a proceeding of a creditor enforcing a debt against agricultural property under chapter 580 or 581 or sections 336.9-601 to 336.9-628, terminating a contract for deed to purchase agricultural property under section 559.21, or garnishing, levying on, executing on, seizing, or attaching agricultural property, the debtor may file a mediation request with the director. The mediation request form must indicate that the debtor has not received a mediation notice.

Sec. 12. Minnesota Statutes 2022, section 600.23, is amended to read:

600.23 RECORDERS AND COURT ADMINISTRATORS.

Subdivision 1. **Deposit of papers.** Every county recorder, upon being paid the legal fees therefor, ~~shall~~ may receive and deposit in the office any instruments or papers which ~~shall be~~ are offered for that purpose and, if ~~required~~ requested, shall give to the person depositing the same a receipt therefor.

Subd. 2. **Endorsed and filed.** Any such instruments or papers so received shall be filed by the officer receiving the same, and so endorsed as to indicate their general nature, the names of the parties thereto, and time when received, and shall be deposited and kept by the officer and successors in office in the same manner as the officer's official papers, but in a place separate therefrom.

Subd. 3. **Withdrawal.** Papers and instruments so deposited shall not be made public or withdrawn from the office except upon the written order of the person depositing the same, or the person's executors or administrators, or on the order of some court for the purpose of being read in the court, and then to be returned to the office.

Subd. 3a. **Retention and disposal.** Papers and instruments deposited for safekeeping shall be retained, at a minimum, until the earlier of:

(1) the county recorder learns of the depositor's death, at which time the county recorder may deliver the paper or instrument to the appropriate court, or deliver the paper or instrument to the depositor's executors or administrators; or

(2) 20 years following the deposit of the paper or instrument, at which time the county recorder shall dispose of the paper or instrument pursuant to its county's retention policy.

Subd. 4. **Certificate that instrument cannot be found.** The certificate of any officer to whom the legal custody of any instrument belongs, stating that the officer has made diligent search for such instrument and that it cannot be found, shall be prima facie evidence of the fact so certified to in all cases, matters, and proceedings.

Sec. 13. **REPEALER.**

Minnesota Statutes 2022, sections 346.02; and 582.14, are repealed.

ARTICLE 7

MULTIMEMBER AGENCY APPOINTMENTS

Section 1. Minnesota Statutes 2022, section 15.0597, subdivision 1, is amended to read:

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

(b) "Agency" means (1) a state board, commission, council, committee, authority, task force, including an advisory task force created under section 15.014 or 15.0593, a group created by executive order of the governor, or other similar multimember agency created by law and having statewide jurisdiction; and (2) the Metropolitan Council, metropolitan agency, Capitol Area Architectural and Planning Board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

(c) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing agency, or (2) a new, unfilled agency position. ~~Vacancy includes a position that is to be filled through appointment of a nonlegislator by a legislator or group of legislators;~~ Vacancy does not mean (1) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, ~~or~~ (2) a vacancy to be filled by a person required to have a specific title or position, (3) a vacancy that is to be filled through appointment of a legislator by a legislator or group of legislators, or (4) a position appointed by a private entity or individual, in the manner specified in the document creating the agency, unless otherwise provided.

(d) "Secretary" means the secretary of state.

(e) "Appointing authority" means the individual or entity with the specific authority to appoint open or direct appointment positions. This includes, but is not limited to, the governor, state agency commissioners, indigenous Tribal leaders, designated legislative leaders and local agency heads, persons who have been specifically delegated the authority to make those appointments, or private entities or persons as designated by the document creating the agency. Appointments should be

evidenced by a document signed by the appointing authority's most senior official. Appointments that do not specify an appointing authority shall be made in the manner provided in section 4.04.

(f) "Direct appointments" means: (1) the appointment of members to an agency, pursuant to a process not subject to this section; and (2) those members of an agency appointed through a process not subject to this section. Direct appointments must be provided for specifically in the documents creating the agency, whether enabling law, executive order, commissioner's order, or otherwise.

Sec. 2. Minnesota Statutes 2022, section 15.0597, subdivision 4, is amended to read:

Subd. 4. **Notice of vacancies.** The chair of an existing agency, shall notify the secretary by electronic means of a vacancy scheduled to occur in the agency as a result of the expiration of membership terms at least 45 days before the vacancy occurs. The chair of an existing agency ~~shall give electronic notification to~~ must notify the secretary of each vacancy occurring as a result of newly created agency positions and of every other vacancy occurring for any reason other than the expiration of membership terms as soon as possible upon learning of the vacancy and in any case within 15 days after the occurrence of the vacancy. The chair may submit vacancy notices by posting seat openings on the secretary of state's boards and commissions website.

(b) If a vacancy is to be appointed by the governor, the chair must first notify the governor and receive permission to post the vacancy. Where a vacancy is created by resignation, the vacancy may not be posted until receipt and acceptance of the resignation of the incumbent as provided by section 351.01, subdivision 1, clause (2), is confirmed by the governor.

(c) The appointing authority for newly created agencies shall give electronic notification to the secretary of all vacancies in the new agency within 15 days after the creation of the agency. The secretary may require the submission of notices required by this subdivision by electronic means.

(d) The secretary shall publish monthly on the website of the secretary of state a list of all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall be so published, unless the appointing authority rejects all applicants and requests the secretary to republish the notice of vacancy. One copy of the listing shall be made available at the office of the secretary to any interested person. The secretary shall distribute by mail or electronic means copies of the listings to requesting persons.

(e) The listing for all vacancies scheduled to occur in the month of January shall be published on the website of the secretary of state together with the compilation of agency data required to be published pursuant to subdivision 3.

(f) If a vacancy occurs within three months after an appointment is made to fill a regularly scheduled vacancy, the appointing authority may, upon notification by electronic means to the secretary, fill the vacancy by appointment from the list of persons submitting applications to fill the regularly scheduled vacancy.

Sec. 3. Minnesota Statutes 2022, section 15.0597, subdivision 5, is amended to read:

Subd. 5. **Nominations for vacancies.** Any person may make a self-nomination for appointment to an agency vacancy by completing an application on a form prepared and distributed by the secretary. The secretary may provide for the submission of the application by electronic means. Any

person or group of persons may, on the prescribed application form, nominate another person to be appointed to a vacancy so long as the person so nominated consents on the application form to the nomination. The application form shall specify the nominee's name, mailing address, electronic mail address, telephone number, preferred agency position sought, a statement that the nominee satisfies any legally prescribed qualifications, ~~a statement whether the applicant has ever been convicted of a felony,~~ and any other information the nominating person feels would be helpful to the appointing authority. The nominating person has the option of indicating the nominee's sex, political party preference or lack thereof, status with regard to disability, race, veteran status, and national origin on the application form. The application form shall make the option known. If a person submits an application at the suggestion of an appointing authority, the person shall so indicate on the application form. Twenty-one days after publication of a vacancy on the website of the secretary of state pursuant to subdivision 4, the secretary shall submit electronic copies of all applications received for a position to the appointing authority charged with filling the vacancy. ~~If no applications have been received by the secretary for the vacant position by the date when electronic copies must be submitted to the appointing authority, the secretary shall so inform the appointing authority.~~ Applications received by the secretary shall be deemed to have expired one year after receipt of the application. An application for a particular agency position shall be deemed to be an application for all vacancies in that agency occurring prior to the expiration of the application and shall be public information.

Sec. 4. Minnesota Statutes 2022, section 15.0597, subdivision 6, is amended to read:

Subd. 6. **Appointments.** (a) In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until ~~(1) ten~~ five days after receipt of the applications for positions in that agency from the secretary ~~or (2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency as provided for in subdivision 5.~~ At least five days before the date of appointment, the appointing authority shall issue a public announcement and inform the secretary by electronic means of the name of the person the appointing authority ~~intends to appoint~~ has appointed to fill the agency vacancy and the expiration date of that person's term.

(b) No person may serve in a position until the appointing authority has submitted either (1) a signed notice of appointment or (2) the documents required by paragraph (e) to the secretary of state, and the term of the appointee may not commence on a date preceding the date of the signature on the notice of appointment or the paragraph (e) submission.

(c) An oath of office for each appointee to an agency must be submitted to the secretary of state under section 358.05.

(d) If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority.

(e) An appointing authority making a direct appointment must submit a letter to the secretary of state stating the name of the person appointed, the agency and the specific seat to which they are appointed, contact information, the date on which the term begins, and length of the term.

(f) No person may simultaneously occupy more than one position on the same agency board. Appointment or designation of a member as chair of an agency does not constitute a violation of this paragraph.

Sec. 5. Minnesota Statutes 2022, section 351.01, subdivision 2, is amended to read:

Subd. 2. **When effective.** Except as provided by subdivision 3 or other express provision of law or charter to the contrary, a resignation is effective when it is received by the officer, body, or board authorized to receive it. In the case of a position appointed by the governor under section 15.0597, the resignation must be submitted to the governor.

Sec. 6. Minnesota Statutes 2022, section 364.021, is amended to read:

364.021 PUBLIC AND PRIVATE EMPLOYMENT; CONSIDERATION OF CRIMINAL RECORDS.

(a) A public or private employer may not inquire into or consider or require disclosure of the criminal record or criminal history of an applicant for employment until the applicant has been selected for an interview by the employer or, if there is not an interview, before a conditional offer of employment is made to the applicant.

(b) This section does not apply to the Department of Corrections or to employers who have a statutory duty to conduct a criminal history background check or otherwise take into consideration a potential employee's criminal history during the hiring process.

(c) This section does not prohibit an employer from notifying applicants that law or the employer's policy will disqualify an individual with a particular criminal history background from employment in particular positions.

(d) An appointing authority may not inquire into or consider or require disclosure of the criminal record or criminal history of an applicant for appointment to multimember agencies, including boards, commissions, agencies, committees, councils, authorities, advisory task forces, and advisory councils, on an application form or, until the applicant has been selected for an interview by the appointing authority or is otherwise selected as a final candidate for appointment.

Sec. 7. Minnesota Statutes 2022, section 364.06, subdivision 1, is amended to read:

Subdivision 1. **Public employers.** Any complaints or grievances concerning violations of sections 364.01 to 364.10 by public employers or violations of section 364.021 by public appointing authorities shall be processed and adjudicated in accordance with the procedures set forth in chapter 14, the Administrative Procedure Act."

Delete the title and insert:

"A bill for an act relating to judiciary; amending policy provisions governing data privacy and access, civil remedies, human rights, civil forfeiture, criminal procedure, marriage, name changes, real property, and multimember agency appointments; amending Minnesota Statutes 2022, sections 13.72, subdivision 19, by adding a subdivision; 15.0597, subdivisions 1, 4, 5, 6; 168B.07, subdivision 3, by adding subdivisions; 169A.63, subdivision 8; 259.11; 259.13, subdivision 1; 325F.70, by

adding a subdivision; 336.9-601; 351.01, subdivision 2; 363A.02, subdivision 1; 363A.03, subdivisions 23, 44, by adding a subdivision; 363A.04; 363A.06, subdivision 1; 363A.07, subdivision 2; 363A.08, subdivisions 1, 2, 3, 4, by adding a subdivision; 363A.09, subdivisions 1, 2, 3, 4; 363A.11, subdivision 1; 363A.12, subdivision 1; 363A.13, subdivisions 1, 2, 3, 4; 363A.16, subdivision 1; 363A.17; 363A.21, subdivision 1; 364.021; 364.06, subdivision 1; 473.387, subdivision 4; 504B.301; 507.07; 508.52; 517.04; 517.08, subdivisions 1a, 1b; 518.191, subdivisions 1, 3; 541.023, subdivision 6; 550.365, subdivision 2; 559.209, subdivision 2; 573.01; 573.02, subdivisions 1, 2; 582.039, subdivision 2; 583.25; 583.26, subdivision 2; 590.01, subdivision 4; 600.23; 609.5151; 609.5314, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 13; 259; 480; 484; 634; repealing Minnesota Statutes 2022, sections 346.02; 363A.20, subdivision 3; 363A.27; 504B.305; 582.14."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Latz from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 1267: A bill for an act relating to public safety; clarifying enhanced sentences for certain kidnapping offenses; amending Minnesota Statutes 2022, section 609.25, subdivision 2.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

CORRECTIONS

Section 1. Minnesota Statutes 2022, section 241.021, subdivision 2a, is amended to read:

Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a license without giving 30 calendar days' written notice to any affected municipality or other political subdivision unless the facility has a licensed capacity of six or fewer persons and is occupied by either the licensee or the group foster home parents. The notification must be given before the license is first issuance of a license granted and annually after that time if annual notification is requested in writing by any affected municipality or other political subdivision. State funds must not be made available to or be spent by an agency or department of state, county, or municipal government for payment to a foster care facility licensed under subdivision 2 until the provisions of this subdivision have been complied with in full.

Sec. 2. Minnesota Statutes 2022, section 241.021, subdivision 2b, is amended to read:

Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may not:

(1) ~~issue~~ grant a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile; or

(2) renew a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile.

Sec. 3. [241.0215] JUVENILE DETENTION FACILITIES; RESTRICTIONS ON STRIP SEARCHES AND DISCIPLINE.

Subdivision 1. **Applicability.** This section applies to juvenile facilities licensed by the commissioner of corrections under section 241.021, subdivision 2.

Subd. 2. **Definitions.** (a) As used in this section, the following terms have the meanings given.

(b) "Health care professional" means an individual who is licensed or permitted by a Minnesota health-related licensing board, as defined in section 214.01, subdivision 2, to perform health care services in Minnesota within the professional's scope of practice.

(c) "Strip search" means a visual inspection of a juvenile's unclothed breasts, buttocks, or genitalia.

Subd. 3. **Searches restricted.** (a) A staff person working in a facility may not conduct a strip search unless:

(1) a specific, articulable, and immediate contraband concern is present;

(2) other search techniques and technology cannot be used or have failed to identify the contraband; and

(3) the facility's chief administrator or designee has reviewed the situation and approved the strip search.

(b) A strip search must be conducted by:

(1) a health care professional; or

(2) a staff person working in a facility who has received training on trauma-informed search techniques and other applicable training under Minnesota Rules, chapter 2960.

(c) A strip search must be documented in writing and describe the contraband concern, summarize other inspection techniques used or considered, and verify the approval from the facility's chief administrator or, in the temporary absence of the chief administrator, the staff person designated as the person in charge of the facility. A copy of the documentation must be provided to the commissioner within 24 hours of the strip search.

(d) Nothing in this section prohibits or limits a strip search as part of a health care procedure conducted by a health care professional.

Subd. 4. **Discipline restricted.** (a) A staff person working in a facility may not discipline a juvenile by physically or socially isolating the juvenile.

(b) Nothing in this subdivision restricts a facility from isolating a juvenile for the juvenile's safety, staff safety, or the safety of other facility residents when the isolation is consistent with rules adopted by the commissioner.

Subd. 5. **Commissioner action.** The commissioner may take any action authorized under section 241.021, subdivisions 2 and 3, to address a violation of this section.

Subd. 6. **Report.** (a) By February 15 each year, the commissioner must report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy on the use of strip searches and isolation.

(b) The report must consist of summary data from the previous calendar year and must, at a minimum, include:

(1) how often strip searches were performed;

(2) how often juveniles were isolated;

(3) the length of each period of isolation used and, for juveniles isolated in the previous year, the total cumulative amount of time that the juveniles were isolated that year; and

(4) any injury to a juvenile related to a strip search or isolation, or both, that was reportable as a critical incident.

(c) Data in the report must provide information on the demographics of juveniles who were subject to a strip search and juveniles who were isolated. At a minimum, data must be disaggregated by age, race, and gender.

(d) The report must identify any facility that performed a strip search or used isolation, or both, in a manner that did not comply with this section or rules adopted by the commissioner in conformity with this section.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 4. Minnesota Statutes 2022, section 241.90, is amended to read:

241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION.

The Office of Ombudsperson for the Department of Corrections is hereby created. The ombudsperson shall ~~serve at the pleasure of~~ be appointed by the governor in the unclassified service, and may be removed only for just cause. The ombudsperson shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsperson while holding any other public office. The ombudsperson for corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the Department of Corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

Sec. 5. REVISED FACILITY PLANS.

The commissioner of corrections must direct any juvenile facility licensed by the commissioner to revise its plan under Minnesota Rules, part 2960.0270, subpart 6, and its restrictive procedures plan under Minnesota Rules, part 2960.0710, subpart 2, to be consistent with Minnesota Statutes, section 241.0215. After receiving notice from the commissioner, a facility must submit the revised plans to the commissioner within 60 days.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 6. **RULEMAKING.**

(a) The commissioner of corrections must amend Minnesota Rules, chapter 2960, to enforce the requirements under Minnesota Statutes, section 241.0215, including but not limited to training, facility audits, strip searches, disciplinary room time, time-outs, and seclusion. The commissioner may amend the rules to make technical changes and ensure consistency with Minnesota Statutes, section 241.0215.

(b) In amending or adopting rules according to paragraph (a), the commissioner must use the exempt rulemaking process under Minnesota Statutes, section 14.386. Notwithstanding Minnesota Statutes, section 14.386, paragraph (b), a rule adopted under this section is permanent. After the rule is adopted, the authorization to use the exempt rulemaking process expires.

(c) Notwithstanding Minnesota Laws 1995, chapter 226, article 3, sections 50, 51, and 60, or any other law to the contrary, the joint rulemaking authority with the commissioner of human services does not apply to rule amendments applicable only to the Department of Corrections. A rule that is amending jointly administered rule parts must be related to requirements on strip searches, disciplinary room time, time-outs, and seclusion and be necessary for consistency with this section.

EFFECTIVE DATE. This section is effective January 1, 2024.

ARTICLE 2

PROBATION

Section 1. Minnesota Statutes 2022, section 244.19, is amended to read:

244.19 PROBATION OFFICERS.

Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of counties has established a human services board pursuant to chapter 402, the district court may appoint one or more county probation officers as necessary to perform court services, and the human services board shall appoint persons as necessary to provide correctional services within the authority granted in chapter 402. In all counties of more than 200,000 population, which have not organized pursuant to chapter 402, the district court shall appoint one or more persons of good character to serve as county probation officers during the pleasure of the court. All other counties shall provide adult misdemeanor and juvenile probation services to district courts in one of the following ways:

(1) the court, with the approval of the county boards, may appoint one or more salaried county probation officers to serve during the pleasure of the court;

(2) when two or more counties offer probation services the district court through the county boards may appoint common salaried county probation officers to serve in the several counties;

(3) a county or a district court may request the commissioner of corrections to furnish probation services in accordance with the provisions of this section, and the commissioner of corrections shall furnish such services to any county or court that fails to provide its own probation officer by one of the two procedures listed above;

(4) if a county or district court providing probation services under clause (1) or (2) asks the commissioner of corrections or the legislative body for the state of Minnesota mandates the commissioner of corrections to furnish probation services to the district court, the probation officers and other employees displaced by the changeover shall be employed by the commissioner of corrections. Years of service in the county probation department are to be given full credit for future sick leave and vacation accrual purposes;

(5) for a person who is enrolled or eligible to be enrolled in a Tribal Nation or who resides in an enrolled member's household, a Tribal Nation may elect to provide probation services within the county in which the person resides; and

~~(5)~~ (6) all probation officers serving the juvenile courts on July 1, 1972, shall continue to serve in the county or counties they are now serving.

(b) The commissioner of management and budget shall place employees transferred to state service under paragraph (a), clause (4), in the proper classifications in the classified service. Each employee is appointed without examination at no loss in salary or accrued vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits may occur until the employee's total accrued vacation or sick leave benefits fall below the maximum permitted by the state for the employee's position. An employee appointed under paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting labor contract remedies, a noncertified employee may appeal for a hearing within ten days to the commissioner of management and budget, who may uphold the decision, extend the probation period, or certify the employee. The decision of the commissioner of management and budget is final. The state shall negotiate with the exclusive representative for the bargaining unit to which the employees are transferred regarding their seniority. For purposes of computing seniority among those employees transferring from one county unit only, a transferred employee retains the same seniority position as the employee had within that county's probation office.

Subd. 1a. **Definition.** For purposes of this section, "Tribal Nation" means a federally recognized Tribal Nation within the boundaries of the state of Minnesota.

Subd. 2. **Sufficiency of services.** Probation services shall be sufficient in amount to meet the needs of the district court in each county. County probation officers serving district courts in all counties of not more than 200,000 population shall also, pursuant to subdivision 3, provide probation and parole services to wards of the commissioner of corrections resident in their counties. To provide these probation services counties containing a city of 10,000 or more population shall, as far as practicable, have one probation officer for not more than 35,000 population; in counties that do not contain a city of such size, the commissioner of corrections shall, after consultation with the chief

judge of the district court, ~~and~~ the county commissioners, or Tribal Nation through an approved plan, and in the light of experience, establish probation districts to be served by one officer.

All probation officers appointed for any district court or ~~community~~ county corrections agency, including Tribal Nations, shall be selected from a list of eligible candidates ~~who have~~. Those candidates must be minimally qualified according to the same or equivalent examining procedures as used by the commissioner of management and budget to certify ~~eligibles~~ eligibility to the commissioner of corrections in appointing parole agents, ~~and the Department of Management and Budget shall furnish the names of such candidates on request~~. This subdivision shall not apply to a political subdivision having a civil service or merit system unless the subdivision elects to be covered by this subdivision.

Subd. 3. **Powers and duties.** All county or Tribal Nation probation officers serving a district court shall act under the orders of the court in reference to any person committed to their care by the court, and in the performance of their duties shall have the general powers of a peace officer; and it shall be their duty to make such investigations with regard to any person as may be required by the court before, during, or after the trial or hearing, and to furnish to the court such information and assistance as may be required; to take charge of any person before, during or after trial or hearing when so directed by the court, and to keep such records and to make such reports to the court as the court may order. Tribal Nations providing probation services have the same general powers provided to county probation officers defined within statute or rule.

All county or Tribal Nation probation officers serving a district court shall, in addition, provide probation and parole services to wards of the commissioner of corrections resident in the counties they serve, and shall act under the orders of said commissioner of corrections in reference to any ward committed to their care by the commissioner of corrections.

All probation officers serving a district court shall, under the direction of the authority having power to appoint them, initiate programs for the welfare of persons coming within the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the community persons who come within the jurisdiction of the court and are properly subject to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the court, cooperate with all law enforcement agencies, schools, child welfare agencies of a public or private character, and other groups concerned with the prevention of crime and delinquency and the rehabilitation of persons convicted of crime and delinquency.

All probation officers serving a district court shall make monthly and annual reports to the commissioner of corrections, on forms furnished by the commissioner, containing such information on number of cases cited to the juvenile division of district court, offenses, adjudications, dispositions, and related matters as may be required by the commissioner of corrections. The reports shall include the information on individuals convicted as an extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

Subd. 5. **Compensation.** In counties of more than 200,000 population, a majority of the judges of the district court may direct the payment of such salary to probation officers as may be approved by the county board, and in addition thereto shall be reimbursed for all necessary expenses incurred in the performance of their official duties. In all counties which obtain probation services from the commissioner of corrections the commissioner shall, out of appropriations provided therefor, pay

probation officers the salary and all benefits fixed by the state law or applicable bargaining unit and all necessary expenses, including secretarial service, office equipment and supplies, postage, telephone and telegraph services, and travel and subsistence. Each county receiving probation services from the commissioner of corrections shall reimburse the department of corrections for the total cost and expenses of such services as incurred by the commissioner of corrections. ~~Total annual costs for each county shall be that portion of the total costs and expenses for the services of one probation officer represented by the ratio which the county's population bears to the total population served by one officer. For the purposes of this section, the population of any county shall be the most recent estimate made by the Department of Health.~~ At least every six months the commissioner of corrections shall bill for the total cost and expenses incurred by the commissioner on behalf of each county which has received probation services. The commissioner of corrections shall notify each county of the cost and expenses and the county shall pay to the commissioner the amount due for reimbursement. All such reimbursements shall be deposited in the general fund. Objections by a county to all allocation of such cost and expenses shall be presented to and determined by the commissioner of corrections. Each county providing probation services under this section is hereby authorized to use unexpended funds and to levy additional taxes for this purpose.

The county commissioners of any county of not more than 200,000 population shall, when requested to do so by the juvenile judge, provide probation officers with suitable offices, and may provide equipment, and secretarial help needed to render the required services.

Subd. 6. Reimbursement of counties or Tribal Nations. In order to reimburse the counties or a Tribal Nation for the cost which they assume under this section of providing probation and parole services to wards of the commissioner of corrections and to aid the counties in achieving the purposes of this section, the commissioner of corrections shall annually, from funds appropriated and specifically for that purpose counties or a Tribal Nation, pay 50 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing in this section will invalidate any payments to counties made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before July 1 of each even-numbered year each county or group of counties or Tribal Nations which provide their own probation services to the district court under subdivision 1, clause (1) or (2), shall submit to the commissioner of corrections an estimate of its costs under this section. Reimbursement to those counties or Tribal Nations shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Reimbursement for those counties which obtain probation services from the commissioner of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual expenditures. Salary costs shall not be reimbursed unless county probation officers or Tribal Nations are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county or Tribal Nation probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. For county provided probation officers, the judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation for counties or Tribal Nations is insufficient. A new position eligible for reimbursement under this section may not be added by a county or Tribal Nation without the written approval of the commissioner of

corrections. When a new position is approved, the commissioner shall include the cost of the position in calculating each county's or Tribal Nation's share.

Subd. 7. **Certificate of counties entitled to state aid.** ~~On or before January 1 of each year, until 1970 and~~ On or before April 1 ~~thereafter~~ each year, the commissioner of corrections shall deliver to the commissioner of management and budget a certificate in duplicate for each county of the state entitled to receive state aid under the provisions of this section. Upon the receipt of such certificate, the commissioner of management and budget shall issue a payment to the county treasurer for the amount shown by each certificate to be due to the county specified. The commissioner of management and budget shall transmit such payment to the county treasurer or a Tribal Nation together with a copy of the certificate prepared by the commissioner of corrections.

Subd. 8. **Exception.** This section shall not apply to Ramsey County.

Sec. 2. Minnesota Statutes 2022, section 401.01, subdivision 1, is amended to read:

Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to promote efficiency and economy in the delivery of correctional services, the commissioner is authorized to make grants to assist counties or Tribal Nations in the development, implementation, and operation of community-based corrections programs including preventive or diversionary correctional programs, conditional release programs, community corrections centers, and facilities for the detention or confinement, care and treatment of persons convicted of crime or adjudicated delinquent. The commissioner may authorize the use of a percentage of a grant for the operation of an emergency shelter or make a separate grant for the rehabilitation of a facility owned by the grantee and used as a shelter to bring the facility into compliance with state and local laws pertaining to health, fire, and safety, and to provide security.

Sec. 3. Minnesota Statutes 2022, section 401.01, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following terms have the meanings given them.

(b) ~~"CCA county"~~ "CCA jurisdiction" means a county or Tribal Nation that participates in the Community Corrections Act.

(c) "Commissioner" means the commissioner of corrections or a designee.

(d) "Conditional release" means parole, supervised release, conditional release as authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and any other authorized temporary release from a correctional facility.

(e) "County probation officer" means a probation officer appointed and defined under section 244.19.

(f) "Detain" means to take into actual custody, including custody within a local correctional facility.

(g) "Joint board" means the board provided in section 471.59.

(h) "Local correctional facility" has the meaning given in section 241.021, subdivision 1.

(i) "Local correctional service" means those services authorized by and employees, officers, and agents appointed under section 244.19, subdivision 1.

(j) "Release" means to release from actual custody.

(k) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries of the state of Minnesota.

Sec. 4. Minnesota Statutes 2022, section 401.02, subdivision 1, is amended to read:

Subdivision 1. **Qualification of counties or Tribal nation.** (a) One or more counties, ~~having an aggregate population of 30,000 or more persons,~~ or Tribal nations may qualify for a grant as provided in section 401.01 by the enactment of appropriate resolutions creating and establishing a corrections advisory board, designating the officer or agency to be responsible for administering grant funds, and providing for the preparation of a comprehensive plan for the development, implementation, and operation of the correctional services described in section 401.01, including the assumption of those correctional services, other than the operation of state facilities, presently provided in such counties by the Department of Corrections, or for Tribal nations, probation services within a Tribal nation, and providing for centralized administration and control of those correctional services described in section 401.01.

Where counties combine as authorized in this section, they shall comply with the provisions of section 471.59.

(b) A county that has participated in the Community Corrections Act for five or more years is eligible to continue to participate in the Community Corrections Act.

Sec. 5. Minnesota Statutes 2022, section 401.02, subdivision 2, is amended to read:

Subd. 2. **Planning counties; advisory board members expenses.** To assist counties or Tribal nations which have complied with the provisions of subdivision 1 and require financial aid to defray all or a part of the expenses incurred by corrections advisory board members in discharging their official duties pursuant to section 401.08, the commissioner may designate counties or Tribal nations as "planning counties", and, upon receipt of resolutions by the governing boards of the counties or Tribal nations certifying the need for and inability to pay the expenses described in this subdivision, advance to the counties or Tribal nations an amount not to exceed five percent of the maximum quarterly subsidy for which the counties or Tribal nations are eligible. The expenses described in this subdivision shall be paid in the same manner and amount as for state employees.

Sec. 6. Minnesota Statutes 2022, section 401.02, subdivision 3, is amended to read:

Subd. 3. **Establishment and reorganization of administrative structure.** Any county, Tribal nation, or group of counties which have qualified for participation in the community corrections subsidy program provided by this chapter may establish, organize, and reorganize an administrative structure and provide for the budgeting, staffing, and operation of court services and probation,

construction or improvement to juvenile detention and juvenile correctional facilities and adult detention and correctional facilities, and other activities required to conform to the purposes of this chapter. No contrary general or special statute divests any county or group of counties of the authority granted by this subdivision.

Sec. 7. Minnesota Statutes 2022, section 401.025, is amended to read:

401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL RELEASEES, AND PRETRIAL RELEASEES.

Subdivision 1. Peace officers and probation officers serving CCA ~~counties~~ jurisdictions.

(a) When it appears necessary to enforce discipline or to prevent a person on conditional release from escaping or absconding from supervision, the chief executive officer or designee of a community corrections agency in a CCA ~~county~~ jurisdiction has the authority to issue a written order directing any peace officer or any probation officer in the state serving the district and juvenile courts to detain and bring the person before the court or the commissioner, whichever is appropriate, for disposition. This written order is sufficient authority for the peace officer or probation officer to detain the person for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the commissioner.

(b) The chief executive officer or designee of a community corrections agency in a CCA ~~county~~ jurisdiction has the authority to issue a written order directing a peace officer or probation officer serving the district and juvenile courts to release a person detained under paragraph (a) within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before the court or the commissioner. This written order is sufficient authority for the peace officer or probation officer to release the detained person.

(c) The chief executive officer or designee of a community corrections agency in a CCA ~~county~~ jurisdiction has the authority to issue a written order directing any peace officer or any probation officer serving the district and juvenile courts to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release. A written order issued under this paragraph is sufficient authority for the peace officer or probation officer to detain the person.

Subd. 2. Peace officers and probation officers in other counties and state correctional investigators. (a) The chief executive officer or designee of a community corrections agency in a CCA ~~county~~ jurisdiction has the authority to issue a written order directing any state correctional investigator or any peace officer, probation officer, or county probation officer from another county to detain a person under sentence or on probation who:

- (1) fails to report to serve a sentence at a local correctional facility;
- (2) fails to return from furlough or authorized temporary release from a local correctional facility;
- (3) escapes from a local correctional facility; or
- (4) absconds from court-ordered home detention.

(b) The chief executive officer or designee of a community corrections agency in a CCA county jurisdiction has the authority to issue a written order directing any state correctional investigator or any peace officer, probation officer, or county probation officer from another county to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(c) A written order issued under paragraph (a) or (b) is sufficient authority for the state correctional investigator, peace officer, probation officer, or county probation officer to detain the person.

Subd. 3. Offenders under Department of Corrections commitment. CCA counties jurisdictions shall comply with the policies prescribed by the commissioner when providing supervision and other correctional services to persons conditionally released pursuant to sections 241.26, 242.19, 243.05, 243.1605, 244.05, and 244.065, including intercounty transfer of persons on conditional release and the conduct of presentence investigations.

Sec. 8. Minnesota Statutes 2022, section 401.04, is amended to read:

401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE STRUCTURE; EMPLOYEES.

Any county ~~or~~, group of counties, or Tribal nation electing to come within the provisions of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incident to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish the administrative structure best suited to the efficient administration and delivery of the correctional services described in section 401.01, and (c) employ a director and other officers, employees and agents as deemed necessary to carry out the provisions of sections 401.01 to 401.16. To the extent that participating counties shall assume and take over state and local correctional services presently provided in counties, employment shall be given to those state and local officers, employees and agents thus displaced; if hired by a county, employment shall, to the extent possible and notwithstanding the provisions of any other law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits enjoyed by such officer, employee or agent while in the service of the state or local correctional service.

State or local employees displaced by county participation in the subsidy program provided by this chapter are on layoff status and, if not hired by a participating county as provided herein, may exercise their rights under layoff procedures established by law or union agreement whichever is applicable.

State or local officers and employees displaced by a county's participation in the Community Corrections Act and hired by the participating county shall retain all fringe benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in the service of the state.

Sec. 9. Minnesota Statutes 2022, section 401.05, subdivision 1, is amended to read:

Subdivision 1. **Authorization to use and accept funds.** Any county CCA jurisdiction or group of counties electing to come within the provisions of sections 401.01 to 401.16 may, through their

governing bodies, use unexpended funds; accept gifts, grants, and subsidies from any lawful source; and apply for and accept federal funds.

Sec. 10. Minnesota Statutes 2022, section 401.06, is amended to read:

401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY; COMPLIANCE.

No county, Tribal nation, or group of counties electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until its comprehensive plan shall have been approved by the commissioner. The commissioner shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards of eligibility for counties or Tribal nations to receive funds under sections 401.01 to 401.16. To remain eligible for subsidy ~~counties~~ CCA jurisdictions shall maintain substantial compliance with the minimum standards established pursuant to sections 401.01 to 401.16 and the policies and procedures governing the services described in section 401.025 as prescribed by the commissioner. Counties shall also be in substantial compliance with other correctional operating standards permitted by law and established by the commissioner and shall report statistics required by the commissioner including but not limited to information on individuals convicted as an extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c). The commissioner shall review annually the comprehensive plans submitted by participating ~~counties~~ CCA jurisdictions, including the facilities and programs operated under the plans. The commissioner is hereby authorized to enter upon any facility operated under the plan, and inspect books and records, for purposes of recommending needed changes or improvements.

When the commissioner shall determine that there are reasonable grounds to believe that a ~~county~~ CCA jurisdiction or group of counties is not in substantial compliance with minimum standards, at least 30 days' notice shall be given to the ~~county or counties~~ CCA jurisdiction and a hearing conducted by the commissioner to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. The commissioner may suspend all or a portion of any subsidy until the required standard of operation has been met.

Sec. 11. Minnesota Statutes 2022, section 401.08, subdivision 2, is amended to read:

Subd. 2. **Appointment; terms.** The members of the corrections advisory board shall be appointed by the board of county commissioners or, the joint board in the case of multiple counties, or a Tribal nation and shall serve for terms of two years from and after the date of their appointment, and shall remain in office until their successors are duly appointed. The board may elect its own officers.

Sec. 12. Minnesota Statutes 2022, section 401.08, subdivision 4, is amended to read:

Subd. 4. **Comprehensive plan.** The corrections advisory board provided in sections 401.01 to 401.16, shall actively participate in the formulation of the comprehensive plan for the development, implementation, and operation of the correctional program and services described in section 401.01, and shall make a formal recommendation to the county board, Tribal government, or joint board at least annually concerning the comprehensive plan and its implementation during the ensuing year.

Sec. 13. Minnesota Statutes 2022, section 401.09, is amended to read:

401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.

Failure of a ~~county~~ CCA jurisdiction or group of counties to elect to come within the provisions of sections 401.01 to 401.16 shall not affect their eligibility for any other state subsidy for correctional purposes otherwise provided by law. Any comprehensive plan submitted pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional services from the state by contract, including the temporary detention and confinement of persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate state facility as otherwise provided by law. The commissioner shall annually determine the costs of the purchase of services under this section and deduct them from the subsidy due and payable to the county or counties concerned; provided that no contract shall exceed in cost the amount of subsidy to which the participating county or counties are eligible.

Sec. 14. Minnesota Statutes 2022, section 401.10, subdivision 1, is amended to read:

Subdivision 1. **Aid calculations.** To determine the community corrections aid amount to be paid to each participating county, the commissioner of corrections must apply the following formula:

(1) For each of the 87 counties in the state, a percent score must be calculated for each of the following five factors:

(i) percent of the total state population aged ten to 24 residing within the county according to the most recent federal census, and, in the intervening years between the taking of the federal census, according to the most recent estimate of the state demographer;

(ii) percent of the statewide total number of felony case filings occurring within the county, as determined by the state court administrator;

(iii) percent of the statewide total number of juvenile case filings occurring within the county, as determined by the state court administrator;

(iv) percent of the statewide total number of gross misdemeanor case filings occurring within the county, as determined by the state court administrator; and

(v) percent of the total statewide number of convicted felony offenders who did not receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines Commission.

The percents in items (ii) to (v) must be calculated by combining the most recent three-year period of available data. The percents in items (i) to (v) each must sum to 100 percent across the 87 counties.

(2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must be weighted, summed, and divided by the sum of the weights to yield an average percent for each county, referred to as the county's "composite need percent." When performing this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The composite need percent must sum to 100 percent across the 87 counties.

(3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the county's adjusted net tax capacity amount, defined in the same manner as it is defined for cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the 87 counties.

(4) For each of the 87 counties, the county's composite need percent must be divided by the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by the county's composite need percent, results in the county's "tax base adjusted need percent."

(5) For each of the 87 counties, the county's tax base adjusted need percent must be added to twice the composite need percent, and the sum must be divided by 3, to yield the county's "weighted need percent."

(6) Each participating county's weighted need percent must be added to the weighted need percent of each other participating county to yield the "total weighted need percent for participating counties."

(7) Each participating county's weighted need percent must be divided by the total weighted need percent for participating counties to yield the county's "share percent." The share percents for participating counties must sum to 100 percent.

(8) Each participating county's "base funding amount" is the aid amount that the county received under this section for fiscal year 1995 plus the amount received in caseload or workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter, no county's aid amount under this section may be less than its base funding amount, provided that the total amount appropriated for this purpose is at least as much as the aggregate base funding amount defined in clause (9).

(9) The "aggregate base funding amount" is equal to the sum of the base funding amounts for all participating counties. If a county that participated under this section chooses not to participate in any given year, then the aggregate base funding amount must be reduced by that county's base funding amount. If a county that did not participate under this section in fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base funding amount must be increased by the amount of aid that the county would have received had it participated in fiscal year 1995 plus the estimated amount it would have received in caseload or workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount of increase shall be that county's base funding amount.

(10) In any given year, the total amount appropriated for this purpose first must be allocated to participating counties in accordance with each county's base funding amount. Then, any remaining amount in excess of the aggregate base funding amount must be allocated to participating counties in proportion to each county's share percent, and is referred to as the county's "formula amount."

Each participating county's "community corrections aid amount" equals the sum of (i) the county's base funding amount, and (ii) the county's formula amount.

(11) However, if in any year the total amount appropriated for the purpose of this section is less than the aggregate base funding amount, then each participating county's community corrections aid amount is the product of (i) the county's base funding amount multiplied by (ii) the ratio of the total amount appropriated to the aggregate base funding amount.

For each participating county, the county's community corrections aid amount calculated in this subdivision is the total amount of subsidy to which the county is entitled under sections 401.01 to 401.16.

For each Tribal nation, a base funding amount of \$250,000 is allotted annually through legislative appropriation to each Tribal nation to purchase probation services regardless of a CCA jurisdiction. An additional formula amount as appropriated through legislation must be developed and approved by the commissioner for equitable distribution for Tribal nations under a CCA jurisdiction.

Sec. 15. Minnesota Statutes 2022, section 401.12, is amended to read:

401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.

Participating counties or Tribal nations shall not diminish their current level of spending for correctional expenses as defined in section 401.01, to the extent of any subsidy received pursuant to sections 401.01 to 401.16; rather the subsidy herein provided is for the expenditure for correctional purposes in excess of those funds currently being expended. Should a participating county CCA jurisdiction be unable to expend the full amount of the subsidy to which it would be entitled in any one year under the provisions of sections 401.01 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following year wherein such county CCA jurisdiction can demonstrate a need for and ability to expend same for the purposes provided in section 401.01. If in any biennium the subsidy is increased by an inflationary adjustment which results in the county CCA jurisdiction receiving more actual subsidy than it did in the previous calendar year, the county CCA jurisdiction shall be eligible for that increase only if the current level of spending is increased by a percentage equal to that increase within the same biennium.

Sec. 16. Minnesota Statutes 2022, section 401.14, subdivision 1, is amended to read:

Subdivision 1. **Payment.** Upon compliance by a county CCA jurisdiction or group of counties with the prerequisites for participation in the subsidy prescribed by sections 401.01 to 401.16, and approval of the comprehensive plan by the commissioner, the commissioner shall determine whether funds exist for the payment of the subsidy and proceed to pay same in accordance with applicable rules.

Sec. 17. Minnesota Statutes 2022, section 401.14, subdivision 3, is amended to read:

Subd. 3. **Installment payments.** The commissioner of corrections shall make payments for community corrections services to each county CCA jurisdiction in 12 installments per year. The commissioner shall ensure that the pertinent payment of the allotment for each month is made to each county on the first working day after the end of each month of the calendar year, except for the last month of the calendar year. The commissioner shall ensure that each county CCA jurisdiction receives its payment of the allotment for that month no later than the last working day of that month. The payment described in this subdivision for services rendered during June 1985 shall be made on the first working day of July 1985.

Sec. 18. Minnesota Statutes 2022, section 401.15, subdivision 1, is amended to read:

Subdivision 1. **Certified statements; determinations; adjustments.** Within 60 days of the end of each calendar quarter, participating counties CCA jurisdictions which have received the payments authorized by section 401.14 shall submit to the commissioner certified statements detailing the amounts expended and costs incurred in furnishing the correctional services provided in sections 401.01 to 401.16. Upon receipt of certified statements, the commissioner shall, in the manner provided in sections 401.10 and 401.12, determine the amount each participating county is entitled

to receive, making any adjustments necessary to rectify any disparity between the amounts received pursuant to the estimate provided in section 401.14 and the amounts actually expended. If the amount received pursuant to the estimate is greater than the amount actually expended during the quarter, the commissioner may withhold the difference from any subsequent monthly payments made pursuant to section 401.14. Upon certification by the commissioner of the amount a participating ~~county~~ CCA jurisdiction is entitled to receive under the provisions of section 401.14 or of this subdivision the commissioner of management and budget shall thereupon issue a payment to the chief fiscal officer of each participating ~~county~~ CCA jurisdiction for the amount due together with a copy of the certificate prepared by the commissioner.

Sec. 19. Minnesota Statutes 2022, section 401.16, is amended to read:

401.16 WITHDRAWAL FROM PROGRAM.

Any participating ~~county may, (1) CCA jurisdiction~~ at the beginning of any calendar quarter, by resolution of its board of commissioners, or (2) Tribal council may notify the commissioner of its intention to withdraw from the subsidy program established by sections 401.01 to 401.16, and the withdrawal shall be effective at least six months of the last day of the last month of the quarter in which the notice was given. Upon withdrawal, the unexpended balance of moneys allocated to the county, or that amount necessary to reinstate state correctional services displaced by that county's participation, including complement positions, may, upon approval of the legislative advisory commission, be transferred to the commissioner for the reinstatement of the displaced services and the payment of any other correctional subsidies for which the withdrawing county had previously been eligible.

ARTICLE 3

PUBLIC SAFETY

Section 1. Minnesota Statutes 2022, section 169A.44, is amended to read:

169A.44 CONDITIONAL RELEASE.

Subdivision 1. **Nonfelony violations.** (a) This subdivision applies to a person charged with a nonfelony violation of section 169A.20 (driving while impaired) under circumstances described in section 169A.40, subdivision 3 (certain DWI offenders; custodial arrest).

(b) Except as provided in subdivision 3, unless maximum bail is imposed under section 629.471, a person described in paragraph (a) may be released from detention only if the person agrees to:

(1) abstain from alcohol; and

(2) submit to a program of electronic alcohol monitoring, involving at least daily measurements of the person's alcohol concentration, pending resolution of the charge.

Clause (2) applies only when electronic alcohol-monitoring equipment is available to the court. The court shall require partial or total reimbursement from the person for the cost of the electronic alcohol monitoring, to the extent the person is able to pay.

Subd. 2. **Felony violations.** (a) Except as provided in subdivision 3, a person charged with violating section 169A.20 within ten years of the first of three or more qualified prior impaired driving incidents may be released from detention only if the following conditions are imposed:

- (1) the conditions described in subdivision 1, paragraph (b), if applicable;
- (2) the impoundment of the registration plates of the vehicle used to commit the violation, unless already impounded;
- (3) if the vehicle used to commit the violation was an off-road recreational vehicle or a motorboat, the impoundment of the off-road recreational vehicle or motorboat;
- (4) a requirement that the person report weekly to a probation agent;
- (5) a requirement that the person abstain from consumption of alcohol and controlled substances and submit to random alcohol tests or urine analyses at least weekly;
- (6) a requirement that, if convicted, the person reimburse the court or county for the total cost of these services; and
- (7) any other conditions of release ordered by the court.

(b) In addition to setting forth conditions of release under paragraph (a), if required by court rule, the court shall also fix the amount of money bail without other conditions upon which the defendant may obtain release.

Subd. 3. **Exception; ignition interlock program.** (a) A court is not required, either when initially reviewing a person's release or when modifying the terms of the person's release, to order a person charged with violating section 169A.24 (first-degree driving while impaired), 169A.25 (second-degree driving while impaired), or 169A.26 (third-degree driving while impaired) to submit to a program of electronic alcohol monitoring under subdivision 1 or 2 if the person becomes a program participant in the ignition interlock program under section 171.306.

(b) A judicial officer, county agency, or probation office may not require or suggest that the person use a particular ignition interlock vendor when complying with this subdivision but may provide the person with a list of all Minnesota vendors of certified devices.

(c) Paragraph (b) does not apply in counties where a contract exists for a specific vendor to provide interlock device service for program participants who are indigent pursuant to section 171.306, subdivision 2, paragraph (b), clause (1).

Sec. 2. Minnesota Statutes 2022, section 169A.60, subdivision 2, is amended to read:

Subd. 2. **Plate impoundment violation; impoundment order.** (a) The commissioner shall issue a registration plate impoundment order when:

- (1) a person's driver's license or driving privileges are revoked for a plate impoundment violation;
- (2) a person is arrested for or charged with a plate impoundment violation described in subdivision 1, paragraph (d), clause (5); or

(3) a person issued new registration plates pursuant to subdivision 13, paragraph (f), violates the terms of the ignition interlock program as described in subdivision 13, paragraph (g).

(b) The order must require the impoundment of the registration plates of the motor vehicle involved in the plate impoundment violation ~~and all motor vehicles owned by, registered, or leased in the name of the violator, including motor vehicles registered jointly or leased in the name of the violator and another.~~ The commissioner shall not issue an impoundment order for the registration plates of a rental vehicle, as defined in section 168.041, subdivision 10, or a vehicle registered in another state.

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

Sec. 3. Minnesota Statutes 2022, section 171.306, is amended by adding a subdivision to read:

Subd. 9. Choice of vendor. (a) A judicial officer, county agency, or probation office may not require or suggest that a person participating in the ignition interlock device program under this section use a particular ignition interlock vendor but may provide the person with a list of all Minnesota vendors of certified devices.

(b) Paragraph (a) does not apply in counties where a contract exists for a specific vendor to provide interlock device service for program participants who are indigent pursuant to subdivision 2, paragraph (b), clause (1).

Sec. 4. Minnesota Statutes 2022, section 299F.46, subdivision 1, is amended to read:

Subdivision 1. **Hotel inspection.** (a) It shall be the duty of the commissioner of public safety to inspect, or cause to be inspected, at least once every three years, every hotel in this state; and, for that purpose, the commissioner, or the commissioner's deputies or designated alternates or agents, shall have the right to enter or have access thereto at any reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected does not conform to or is not being operated in accordance with the provisions of sections 157.011 and 157.15 to 157.22, in so far as the same relate to fire prevention or fire protection of hotels, or the rules promulgated thereunder, or is being maintained or operated in such manner as to violate the Minnesota State Fire Code promulgated pursuant to section 326B.02, subdivision 6, 299F.51, or any other law of this state relating to fire prevention and fire protection of hotels, the commissioner and the deputies or designated alternates or agents shall report such a situation to the hotel inspector who shall proceed as provided for in chapter 157.

(b) The word "hotel", as used in this subdivision, has the meaning given in section 299F.391.

Sec. 5. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision to read:

Subd. 11. Hotel. "Hotel" means any building, or portion thereof, containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Sec. 6. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision to read:

Subd. 12. **Lodging house.** "Lodging house" means any building, or portion thereof, containing not more than five guest rooms which are used or are intended to be used for sleeping purposes by guests and where rent is paid in money, goods, labor, or otherwise.

Sec. 7. Minnesota Statutes 2022, section 299F.51, subdivision 1, is amended to read:

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

(b) Every guest room in a hotel or lodging house must have an approved and operational carbon monoxide alarm installed in each room lawfully used for sleeping purposes.

Sec. 8. Minnesota Statutes 2022, section 299F.51, subdivision 2, is amended to read:

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

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

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

(b) The owner of a hotel or lodging house that is required to be equipped with one or more approved carbon monoxide alarms must:

(1) provide and install one approved and operational carbon monoxide alarm in each room lawfully used for sleeping; and

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

Sec. 9. Minnesota Statutes 2022, section 299F.51, subdivision 5, is amended to read:

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

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

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

Sec. 10. Minnesota Statutes 2022, section 299F.51, is amended by adding a subdivision to read:

Subd. 6. **Safety warning.** A first violation of this section shall not result in a penalty, but is punishable by a safety warning. A second or subsequent violation is a petty misdemeanor.

Sec. 11. Minnesota Statutes 2022, section 326.3361, subdivision 2, is amended to read:

Subd. 2. **Required contents.** The rules adopted by the board must require:

(1) 12 hours of preassignment or on-the-job certified training within the first 21 days of employment, or evidence that the employee has successfully completed equivalent training before the start of employment. Notwithstanding any statute or rule to the contrary, this clause is satisfied if the employee provides a prospective employer with a certificate or a copy of a certificate demonstrating that the employee successfully completed this training prior to employment with a different Minnesota licensee and completed this training within three previous calendar years, or successfully completed this training with a Minnesota licensee while previously employed with a Minnesota licensee. The certificate or a copy of the certificate is the property of the employee who completed the training, regardless of who paid for the training or how training was provided. Upon a current or former employee's request, a current or former licensed employer must provide a copy of a certificate demonstrating the employee's successful completion of training to the current or former employee. The current or former licensed employer must not charge the employee a fee for a copy of the certificate. The employee who completed the training is entitled to access a copy of the certificate at no charge according to sections 181.960 to 181.966. A current or former employer must comply with sections 181.90 to 181.966;

(2) certification by the board of completion of certified training for a license holder, qualified representative, Minnesota manager, partner, and employee to carry or use a firearm, a weapon other than a firearm, or an immobilizing or restraint technique; and

(3) six hours a year of certified continuing training for all license holders, qualified representatives, Minnesota managers, partners, and employees, and an additional six hours a year for individuals who are armed with firearms or armed with weapons, which must include annual certification of the individual.

An individual may not carry or use a weapon while undergoing on-the-job training under this subdivision.

Sec. 12. Minnesota Statutes 2022, section 609.2247, is amended by adding a subdivision to read:

Subd. 3. **Medical examination; costs.** Costs incurred by a county, city, or private hospital or other emergency medical facility or by a private physician for the examination of a victim of domestic assault by strangulation when the examination is performed for the purpose of gathering evidence are subject to the payment and reimbursement provisions in section 609.35.

EFFECTIVE DATE. This section is effective July 1, 2023.

ARTICLE 4**LAW ENFORCEMENT****Section 1. [626.5535] CARJACKING; REPORTING REQUIRED.**

Subdivision 1. **Definition.** For purposes of this section, "carjacking" means a violation of section 609.247.

Subd. 2. **Use of information collected.** (a) The head of a local law enforcement agency or state law enforcement department that employs peace officers, as defined in section 626.84, subdivision 1, paragraph (c), must forward the following carjacking information from the agency's or department's jurisdiction to the commissioner of public safety at least quarterly each year:

- (1) the number of carjacking attempts;
- (2) the number of carjackings;
- (3) the number of persons injured in each offense;
- (4) the number of persons killed in each offense; and
- (5) weapons used in each offense, if any.

(b) The commissioner of public safety must include the data received under paragraph (a) in a separate carjacking category in the department's annual uniform crime report.

Sec. 2. Minnesota Statutes 2022, section 626.8452, is amended by adding a subdivision to read:

Subd. 1b. **Prohibition against retaliation; employers.** (a) A law enforcement agency shall not discharge, discipline, threaten, retaliate, otherwise discriminate against, or penalize a peace officer regarding the officer's compensation, terms, conditions, location, or privileges of employment because the officer interceded or made a report in compliance with section 626.8475 or a policy adopted under subdivision 1a regarding another employee or peace officer who used excessive force.

(b) A court may order the law enforcement agency to pay back wages and offer job reinstatement to any officer discharged from employment in violation of paragraph (a).

(c) In addition to any remedies otherwise provided by law, a peace officer injured by a violation of paragraph (a) may bring a civil action for recovery of damages together with costs and disbursements, including reasonable attorney fees, and may receive injunctive and other equitable relief, including reinstatement, as determined by the court.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to causes of action occurring on or after that date.

Sec. 3. Minnesota Statutes 2022, section 626.8452, is amended by adding a subdivision to read:

Subd. 1c. **Prohibition against retaliation; fellow officers.** (a) A peace officer or employee of a law enforcement agency may not threaten, harass, retaliate, or otherwise discriminate against a

peace officer because the officer interceded or made a report in compliance with section 626.8475 or a policy adopted under subdivision 1a regarding another employee or peace officer who used excessive force.

(b) A person who violates paragraph (a) is subject to disciplinary action as determined by the chief law enforcement officer of the agency employing the person.

(c) A peace officer who is the victim of conduct prohibited in paragraph (a) may bring a civil action for recovery of damages together with costs and disbursements, including reasonable attorney fees, and may receive injunctive and other equitable relief as determined by the court.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to causes of action occurring on or after that date.

Sec. 4. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision to read:

Subd. 4. **Data to be shared with board.** (a) Upon receiving written notice that the board is investigating any allegation of misconduct within its regulatory authority, a chief law enforcement officer, city, county, or public official must cooperate with the board's investigation and any data request from the board.

(b) Upon written request from the board that a matter alleging misconduct within its regulatory authority has occurred regarding a licensed peace officer, a chief law enforcement officer, city, county, or public official shall provide the board with all requested public and private data about alleged misconduct involving the licensed peace officer, including any pending or final disciplinary or arbitration proceeding, any settlement or compromise, and any investigative files including but not limited to body worn camera or other audio or video files. Confidential data must also be disclosed when the board specifies that the particular data is necessary to fulfill its investigatory obligation concerning an allegation of misconduct within its regulatory authority.

(c) If a licensed peace officer is discharged or resigns from employment after engaging in any conduct that initiates and results in an investigation of alleged misconduct within the board's regulatory authority, regardless of whether the licensee was criminally charged or an administrative or internal affairs investigation was commenced or completed, a chief law enforcement officer must report the conduct to the board and provide the board with all public and not public data requested under paragraph (b). If the conduct involves the chief law enforcement officer, the overseeing city, county, or public official must report the conduct to the board and provide the board with all public and not public data requested under paragraph (b).

(d) Data obtained by the board shall be classified and governed as articulated in sections 13.03, subdivision 4, and 13.09, as applicable.

Sec. 5. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision to read:

Subd. 5. **Immunity from liability.** A chief law enforcement officer, city, county, or public official and employees of the law enforcement agency are immune from civil or criminal liability, including any liability under chapter 13, for reporting or releasing public or not public data to the board under subdivisions 3 and 4, unless the chief law enforcement officer, city, county, or public

official or employees of the law enforcement agency presented false information to the board with the intention of causing reputational harm to the peace officer.

Sec. 6. Minnesota Statutes 2022, section 626.87, is amended by adding a subdivision to read:

Subd. 1a. **Background checks.** (a) The law enforcement agency must request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on an applicant for employment as a licensed peace officer or an applicant for a position leading to employment as a licensed peace officer within the state of Minnesota to determine eligibility for licensing. Applicants must provide, for submission to the superintendent of the Bureau of Criminal Apprehension:

(1) an executed criminal history consent form, authorizing the dissemination of state and federal records to the law enforcement agency and the Board of Peace Officer Standards and Training and fingerprints; and

(2) a money order or cashier's check payable to the Bureau of Criminal Apprehension for the fee for conducting the criminal history background check.

(b) The superintendent of the Bureau of Criminal Apprehension shall perform the background check required under paragraph (a) by retrieving criminal history data as defined in section 13.87 and shall also conduct a search of the national criminal records repository. The superintendent is authorized to exchange the applicant's fingerprints with the Federal Bureau of Investigation to obtain their national criminal history record information. The superintendent must return the results of the Minnesota and federal criminal history records checks to the law enforcement agency who is authorized to share with the Board of Peace Officer Standards and Training to determine if the individual is eligible for licensing under Minnesota Rules, chapter 6700.

Sec. 7. Minnesota Statutes 2022, section 626.87, subdivision 2, is amended to read:

Subd. 2. **Disclosure of employment information.** Upon request of a law enforcement agency, an employer shall disclose or otherwise make available for inspection employment information of an employee or former employee who is the subject of an investigation under subdivision 1 or who is a candidate for employment with a law enforcement agency in any other capacity. The request for disclosure of employment information must be in writing, must be accompanied by an ~~original~~ authorization and release signed by the employee or former employee, and must be signed by a ~~sworn peace officer or other~~ an authorized representative of the law enforcement agency conducting the background investigation.

Sec. 8. Minnesota Statutes 2022, section 626.87, subdivision 3, is amended to read:

Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose employment information in accordance with this section, upon request the district court may issue an ex parte order directing the disclosure of the employment information. The request must be made by a ~~sworn peace officer~~ an authorized representative from the law enforcement agency conducting the background investigation and must include a copy of the ~~original~~ request for disclosure made upon the employer or former employer and the authorization and release signed by the employee or former employee. The request must be signed by the ~~peace officer~~ person requesting the order and an attorney representing the state or the political subdivision on whose behalf the background investigation is being conducted. It is not necessary for the request or the order to be filed with the

court administrator. Failure to comply with the court order subjects the person or entity who fails to comply to civil or criminal contempt of court.

Sec. 9. Minnesota Statutes 2022, section 626.87, subdivision 5, is amended to read:

Subd. 5. **Notice of investigation.** Upon initiation of a background investigation ~~under this section~~ for a person described in subdivision 1, the law enforcement agency shall give written notice to the Peace Officer Standards and Training Board of:

- (1) the candidate's full name and date of birth; and
- (2) the candidate's peace officer license number, if known.

The initiation of a background investigation does not include the submission of an application for employment. Initiation of a background investigation occurs when the law enforcement agency begins its determination of whether an applicant meets the agency's standards for employment as a law enforcement employee.

Sec. 10. Minnesota Statutes 2022, section 626.90, subdivision 2, is amended to read:

Subd. 2. **Law enforcement agency.** (a) The band has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) are met:

(1) the band agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of a law enforcement agency function conferred by this section, to the same extent as a municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity for purposes of claims of this liability;

(2) the band files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount;

(3) the band files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution; and

(4) the band agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.

(b) The band ~~shall~~ may enter into mutual aid/cooperative agreements with the Mille Lacs County sheriff under section 471.59 to define and regulate the provision of law enforcement services under this section. ~~The agreements must define the trust property involved in the joint powers agreement.~~

(c) Only if the requirements of paragraph (a) are met, the band shall have concurrent jurisdictional authority under this section with the Mille Lacs County Sheriff's Department ~~only if the requirements of paragraph (a) are met and under the following circumstances:~~

~~(1) over all persons in the geographical boundaries of the property held by the United States in trust for the Mille Laes Band or the Minnesota Chippewa tribe;~~

~~(2) over all Minnesota Chippewa tribal members within the boundaries of the Treaty of February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota; and~~

~~(3) concurrent jurisdiction over any person who commits or attempts to commit a crime in the presence of an appointed band peace officer within the boundaries of the Treaty of February 22, 1855, 10 Stat. 1165, in Mille Laes County, Minnesota.~~

Sec. 11. Minnesota Statutes 2022, section 626.91, subdivision 2, is amended to read:

Subd. 2. **Law enforcement agency.** (a) The community has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) are met:

(1) the community agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the law enforcement agency powers conferred by this section to the same extent as a municipality under chapter 466, and the community further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from this liability;

(2) the community files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount;

(3) the community files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution; and

(4) the community agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.

(b) The community ~~shall~~ may enter into an agreement under section 471.59 with the Redwood County sheriff to define and regulate the provision of law enforcement services under this section and to provide for mutual aid and cooperation. If entered, the agreement must identify and describe the trust property involved in the agreement. For purposes of entering into this agreement, the community shall be considered a "governmental unit" as that term is defined in section 471.59, subdivision 1.

Sec. 12. Minnesota Statutes 2022, section 626.91, subdivision 4, is amended to read:

Subd. 4. **Peace officers.** If the community complies with the requirements set forth in subdivision 2, paragraph (a), the community is authorized to appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace officers employed by the Redwood County sheriff over the persons and the geographic areas described in subdivision 3.

Sec. 13. Minnesota Statutes 2022, section 626.92, subdivision 2, is amended to read:

Subd. 2. **Law enforcement agency.** (a) The band has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) and paragraph (b) are met:

(1) the band agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the law enforcement agency powers conferred by this section to the same extent as a municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity for purposes of claims arising out of this liability;

(2) the band files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount or establishes that liability coverage exists under the Federal Torts Claims Act, United States Code, title 28, section 1346(b), et al., as extended to the band pursuant to the Indian Self-Determination and Education Assistance Act of 1975, United States Code, title 25, section 450f(c);

(3) the band files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution or establishes that liability coverage exists under the Federal Torts Claims Act, United States Code, title 28, section 1346(b) et al., as extended to the band pursuant to the Indian Self-Determination and Education Assistance Act of 1975, United States Code, title 25, section 450F(c); and

(4) the band agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.

(b) ~~By July 1, 1998,~~ The band ~~shall~~ may enter into written mutual aid or cooperative agreements with the Carlton County sheriff, the St. Louis County sheriff, and the city of Cloquet under section 471.59 to define and regulate the provision of law enforcement services under this section. If entered, the agreements must define the following:

- (1) the trust property involved in the joint powers agreement;
- (2) the responsibilities of the county sheriffs;
- (3) the responsibilities of the county attorneys; and
- (4) the responsibilities of the city of Cloquet city attorney and police department.

Sec. 14. Minnesota Statutes 2022, section 626.92, subdivision 3, is amended to read:

Subd. 3. **Concurrent jurisdiction.** The band shall have concurrent jurisdictional authority under this section with the Carlton County and St. Louis County Sheriffs' Departments over crimes committed within the boundaries of the Fond du Lac Reservation ~~as indicated by the mutual aid or cooperative agreements entered into under subdivision 2, paragraph (b), and any exhibits or attachments to those agreements~~ if the requirements of subdivision 2, paragraph (a), are met,

regardless of whether a cooperative agreement pursuant to subdivision 2, paragraph (b), is entered into.

Sec. 15. Minnesota Statutes 2022, section 626.93, subdivision 3, is amended to read:

Subd. 3. **Concurrent jurisdiction.** If the requirements of subdivision 2 are met ~~and the tribe enters into a cooperative agreement pursuant to subdivision 4~~, the Tribe ~~shall have~~ has concurrent jurisdictional authority under this section with the local county sheriff within the geographical boundaries of the Tribe's reservation to enforce state criminal law.

Sec. 16. Minnesota Statutes 2022, section 626.93, subdivision 4, is amended to read:

Subd. 4. **Cooperative agreements.** In order to coordinate, define, and regulate the provision of law enforcement services and to provide for mutual aid and cooperation, governmental units and the Tribe ~~shall may~~ enter into agreements under section 471.59. For the purposes of entering into these agreements, the Tribe ~~shall be~~ is considered a "governmental unit" as that term is defined in section 471.59, subdivision 1.

Sec. 17. Minnesota Statutes 2022, section 626A.35, is amended by adding a subdivision to read:

Subd. 2b. **Exception; stolen motor vehicles.** (a) The prohibition under subdivision 1 does not apply to the use of a mobile tracking device on a stolen motor vehicle when:

(1) the consent of the owner of the vehicle has been obtained; or

(2) the owner of the motor vehicle has reported to law enforcement that the vehicle is stolen, and the vehicle is occupied when the tracking device is installed.

(b) Within 24 hours of a tracking device being attached to a vehicle pursuant to the authority granted in paragraph (a), clause (2), an officer employed by the agency that attached the tracking device to the vehicle must remove the device, disable the device, or obtain a search warrant granting approval to continue to use the device in the investigation.

(c) A peace officer employed by the agency that attached a tracking device to a stolen motor vehicle must remove the tracking device if the vehicle is recovered and returned to the owner.

(d) Any tracking device evidence collected after the motor vehicle is returned to the owner is inadmissible.

(e) By August 1, 2024, and each year thereafter, the chief law enforcement officer of an agency that obtains a search warrant under paragraph (b) must provide notice to the superintendent of the Bureau of Criminal Apprehension of the number of search warrants the agency obtained under this subdivision in the preceding 12 months. The superintendent must provide a summary of the data received pursuant to this paragraph in the bureau's biennial report to the legislature required under section 299C.18.

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

Sec. 18. Laws 1961, chapter 108, section 1, as amended by Laws 1969, chapter 604, section 1, and Laws 1978, chapter 580, section 1, is amended to read:

Sec. 1. **MINNEAPOLIS, CITY OF; POLICE DEPARTMENT.**

Notwithstanding any provisions of the Minneapolis city charter, veterans' preference, or civil service law, rule, or regulation to the contrary, the superintendent of police of the city of Minneapolis shall after the effective date of this act have the title and be designated as chief of police of the city of Minneapolis and may appoint ~~three~~ deputy chiefs of police, ~~five~~ inspectors of police, the supervisor of the morals and narcotics section, the supervisor of the internal affairs unit, and the supervisor of license inspection, such personnel to be appointed from among the members of the Minneapolis police department holding at least the rank of ~~patrolman~~ patrol officer.

EFFECTIVE DATE. This section is effective the day after the governing body of the city of Minneapolis and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 19. **REPEALER.**

Minnesota Statutes 2022, section 626.93, subdivision 7, is repealed.

ARTICLE 5

CRIME

Section 1. Minnesota Statutes 2022, section 243.166, subdivision 1b, is amended to read:

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

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

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

(ii) kidnapping under section 609.25;

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

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

(v) surreptitious intrusion under the circumstances described in section 609.746, subdivision 1, paragraph ~~(f)~~ (h);

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

(i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

(ii) false imprisonment in violation of section 609.255, subdivision 2;

(iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor in violation of section 609.322;

(iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

(v) soliciting a minor to engage in sexual conduct in violation of section 609.352, subdivision 2 or 2a, clause (1);

(vi) using a minor in a sexual performance in violation of section 617.246; or

(vii) possessing pornographic work involving a minor in violation of section 617.247;

(3) the person was sentenced as a patterned sex offender under section 609.3455, subdivision 3a; or

(4) the person was charged with or petitioned for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to an offense or involving similar circumstances to an offense described in clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances.

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

(1) the person was charged with or petitioned for an offense in another state similar to an offense or involving similar circumstances to an offense described in paragraph (a), clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer or for an aggregate period of time exceeding 30 days during any calendar year; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to a longer registration period under the laws of another state in which the person has been convicted or adjudicated, or is subject to lifetime registration.

If a person described in this paragraph is subject to a longer registration period in another state or is subject to lifetime registration, the person shall register for that time period regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

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

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 2. Minnesota Statutes 2022, section 244.09, is amended by adding a subdivision to read:

Subd. 15. Report on sentencing adjustments. The Sentencing Guidelines Commission shall include in its annual report to the legislature a summary and analysis of sentence adjustments issued under section 609.133. At a minimum, the summary and analysis must include information on the counties where a sentencing adjustment was granted and on the race, sex, and age of individuals who received a sentence adjustment.

Sec. 3. **[604.32] CAUSE OF ACTION FOR NONCONSENSUAL DISSEMINATION OF A DEEP FAKE DEPICTING INTIMATE PARTS OR SEXUAL ACTS.**

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

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

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

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

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

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

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

(1) a person's first and last name, first initial and last name, first name and last initial, or nickname;

(2) a person's home, school, or work address;

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

(4) a person's geolocation data.

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

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

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

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

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

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

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

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

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

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

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

(3) the depicted individual is identifiable:

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

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

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

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

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

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

(3) a civil penalty awarded to the plaintiff of an amount up to \$10,000; and

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

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

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

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

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

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

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

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

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

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

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

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

(8) the dissemination involves parody, satire, commentary, or criticism; or

(9) the dissemination involves works of political or newsworthy value.

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

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

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

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

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

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

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

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

Sec. 4. Minnesota Statutes 2022, section 609.02, subdivision 2, is amended to read:

Subd. 2. **Felony.** "Felony" means a crime for which a sentence of imprisonment for ~~more than~~ one year or more may be imposed.

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

Sec. 5. Minnesota Statutes 2022, section 609.03, is amended to read:

609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.

If a person is convicted of a crime for which no punishment is otherwise provided the person may be sentenced as follows:

(1) If the crime is a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both; or

(2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~ 364 days or to payment of a fine of not more than \$3,000, or both; or

(3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both; or

(4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than \$1,000, or to imprisonment for a specified term of not more than six months if the fine is not paid.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to offenders receiving a gross misdemeanor sentence on or after that date and retroactively to offenders who received a gross misdemeanor sentence before that date.

Sec. 6. **[609.0342] MAXIMUM PUNISHMENT FOR GROSS MISDEMEANORS.**

(a) Any law of this state that provides for a maximum sentence of imprisonment of one year or is defined as a gross misdemeanor shall be deemed to provide for a maximum fine of \$3,000 and a maximum sentence of imprisonment of 364 days.

(b) Any sentence of imprisonment for one year or 365 days imposed or executed before July 1, 2023, shall be deemed to be a sentence of imprisonment for 364 days. A court may at any time correct or reduce such a sentence pursuant to rule 27.03, subdivision 9, of the Rules of Criminal Procedure and shall issue a corrected sentencing order upon motion of any eligible defendant.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to offenders receiving a gross misdemeanor sentence on or after that date and retroactively to offenders who received a gross misdemeanor sentence before that date.

Sec. 7. Minnesota Statutes 2022, section 609.105, subdivision 1, is amended to read:

Subdivision 1. **Sentence to ~~more than~~ more than one year or more.** A felony sentence to imprisonment for ~~more than~~ more than one year or more shall commit the defendant to the custody of the commissioner of corrections.

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

Sec. 8. Minnesota Statutes 2022, section 609.105, subdivision 3, is amended to read:

Subd. 3. **Sentence to less than one year or less.** A sentence to imprisonment for a period of ~~less than one year or any lesser period~~ shall be to a workhouse, work farm, county jail, or other place authorized by law.

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

Sec. 9. Minnesota Statutes 2022, section 609.1055, is amended to read:

**609.1055 OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS;
ALTERNATIVE PLACEMENT.**

When a court intends to commit an offender with a serious and persistent mental illness, as defined in section 245.462, subdivision 20, paragraph (c), to the custody of the commissioner of corrections for imprisonment at a state correctional facility, either when initially pronouncing a sentence or when revoking an offender's probation, the court, when consistent with public safety, may instead place the offender on probation or continue the offender's probation and require as a condition of the probation that the offender successfully complete an appropriate supervised alternative living program having a mental health treatment component. This section applies only to offenders who would have a remaining term of imprisonment after adjusting for credit for prior imprisonment, if any, of ~~more than~~ more than one year or more.

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

Sec. 10. [609.133] SENTENCE ADJUSTMENT.

Subdivision 1. Definitions. As used in this section:

(1) "prosecutor" means the attorney general, county attorney, or city attorney responsible for the prosecution of individuals charged with a crime; and

(2) "victim" has the meaning given in section 611A.01.

Subd. 2. Prosecutor-initiated sentence adjustment. The prosecutor responsible for the prosecution of an individual convicted of a crime may commence a proceeding to adjust the sentence of that individual at any time after the initial sentencing provided the prosecutor does not seek to increase the period of confinement or, if the individual is serving a stayed sentence, increase the period of supervision.

Subd. 3. Review by prosecutor. (a) A prosecutor may review individual cases at the prosecutor's discretion.

(b) Prior to filing a petition under this section, a prosecutor shall make a reasonable and good faith effort to seek input from any identifiable victim and shall consider the impact an adjusted sentence would have on the victim.

(c) The commissioner of corrections, a supervising agent, or an offender may request that a prosecutor review an individual case. A prosecutor is not required to respond to a request. Inaction by a prosecutor shall not be considered by any court as grounds for an offender, a supervising agent, or the commissioner of corrections to petition for a sentence adjustment under this section or for a court to adjust a sentence without a petition.

Subd. 4. Petition; contents; fee. (a) A prosecutor's petition for sentence adjustment shall be filed in the district court where the individual was convicted and include the following:

(1) the full name of the individual on whose behalf the petition is being brought and, to the extent possible, all other legal names or aliases by which the individual has been known at any time;

(2) the individual's date of birth;

(3) the individual's address;

(4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for the individual;

(5) the details of the offense for which an adjustment is sought, including:

(i) the date and jurisdiction of the occurrence;

(ii) either the names of any victims or that there were no identifiable victims;

(iii) whether there is a current order for protection, restraining order, or other no contact order prohibiting the individual from contacting the victims or whether there has ever been a prior order for protection or restraining order prohibiting the individual from contacting the victims;

(iv) the court file number; and

(v) the date of conviction;

(6) what steps the individual has taken since the time of the offense toward personal rehabilitation, including treatment, work, good conduct within correctional facilities, or other personal history that demonstrates rehabilitation;

(7) the individual's criminal conviction record indicating all convictions for misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable convictions in any other state, federal court, or foreign country, whether the convictions occurred before or after the conviction for which an adjustment is sought;

(8) the individual's criminal charges record indicating all prior and pending criminal charges against the individual in this state or another jurisdiction, including all criminal charges that have been continued for dismissal, stayed for adjudication, or were the subject of pretrial diversion; and

(9) to the extent known, all prior requests by the individual, whether for the present offense or for any other offenses in this state or any other state or federal court, for pardon, return of arrest records, or expungement or sealing of a criminal record, whether granted or not, and all stays of adjudication or imposition of sentence involving the petitioner.

(b) The filing fee for a petition brought under this section shall be waived.

Subd. 5. Service of petition. (a) The prosecutor shall serve the petition for sentence adjustment on the individual on whose behalf the petition is being brought.

(b) The prosecutor shall make a good faith and reasonable effort to notify any person determined to be a victim of the offense for which adjustment is sought of the existence of a petition. Notification under this paragraph does not constitute a violation of an existing order for protection, restraining order, or other no contact order.

(c) Notice to victims of the offense under this subdivision must:

(1) specifically inform the victim of the right to object, orally or in writing, to the proposed adjustment of sentence; and

(2) inform the victims of the right to be present and to submit an oral or written statement at the hearing described in subdivision 6.

(d) If a victim notifies the prosecutor of an objection to the proposed adjustment of sentence and is not present when the court considers the sentence adjustment, the prosecutor shall make these objections known to the court.

Subd. 6. Hearing. (a) The court shall hold a hearing on the petition no sooner than 60 days after service of the petition. The hearing shall be scheduled so that the parties have adequate time to

prepare and present arguments regarding the issue of sentence adjustment. The parties may submit written arguments to the court prior to the date of the hearing and may make oral arguments before the court at the hearing. The individual on whose behalf the petition has been brought must be present at the hearing, unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

(b) A victim of the offense for which sentence adjustment is sought has a right to submit an oral or written statement to the court at the time of the hearing describing the harm suffered by the victim as a result of the crime and the victim's recommendation on whether adjustment should be granted or denied. The judge shall consider the victim's statement when making a decision.

(c) Representatives of the Department of Corrections, supervising agents, community treatment providers, and any other individual with relevant information may submit an oral or written statement to the court at the time of the hearing.

Subd. 7. Nature of remedy; standard. (a) The court shall determine whether there are substantial and compelling reasons to adjust the individual's sentence. In making this determination, the court shall consider what impact, if any, a sentence adjustment would have on public safety, including whether an adjustment would promote the rehabilitation of the individual, properly reflect the severity of the underlying offense, or reduce sentencing disparities. In making this determination, the court may consider factors relating to both the offender and the offense, including but not limited to:

(1) the presentence investigation report used at sentencing, if available;

(2) the individual's performance on probation or supervision;

(3) the individual's disciplinary record during any period of incarceration;

(4) records of any rehabilitation efforts made by the individual since the date of offense and any plan to continue those efforts in the community;

(5) evidence that remorse, age, diminished physical condition, or any other factor has significantly reduced the likelihood that the individual will commit a future offense;

(6) the amount of time the individual has served in custody or under supervision; and

(7) significant changes in law or sentencing practice since the date of offense.

(b) Notwithstanding any law to the contrary, if the court determines by a preponderance of the evidence that there are substantial and compelling reasons to adjust the individual's sentence, the court may modify the sentence in any way provided the adjustment does not:

(1) increase the period of confinement or, if the individual is serving a stayed sentence, increase the period of supervision;

(2) reduce or eliminate the amount of court-ordered restitution; or

(3) reduce or eliminate a term of conditional release required by law when a court commits an offender to the custody of the commissioner of corrections.

The court may stay imposition or execution of sentence pursuant to section 609.135.

(c) A sentence adjustment is not a valid basis to vacate the judgment of conviction, enter a judgment of conviction for a different offense, or impose sentence for any other offense.

(d) The court shall state in writing or on the record the reasons for its decision on the petition. If the court grants a sentence adjustment, the court shall provide the information in section 244.09, subdivision 15, to the Sentencing Guidelines Commission.

Subd. 8. **Appeals.** An order issued under this section shall not be considered a final judgment, but shall be treated as an order imposing or staying a sentence.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 11. Minnesota Statutes 2022, section 609.135, subdivision 1a, is amended to read:

Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a condition of probation and if the defendant fails to pay the restitution in accordance with the payment schedule or structure established by the court or the probation officer, the prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own motion or at the request of the victim, ask the court to hold a hearing to determine whether or not the conditions of probation should be changed or probation should be revoked. The defendant's probation officer shall ask for the hearing if the restitution ordered has not been paid prior to 60 days before the term of probation expires. The court shall schedule and hold this hearing and take appropriate action, including action under subdivision 2, paragraph ~~(g)~~ (h), before the defendant's term of probation expires.

Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104 when a defendant fails to pay court-ordered restitution.

Sec. 12. Minnesota Statutes 2022, section 609.135, subdivision 1c, is amended to read:

Subd. 1c. **Failure to complete court-ordered treatment.** If the court orders a defendant to undergo treatment as a condition of probation and if the defendant fails to successfully complete treatment at least 60 days before the term of probation expires, the prosecutor or the defendant's probation officer may ask the court to hold a hearing to determine whether the conditions of probation should be changed or probation should be revoked. The court shall schedule and hold this hearing and take appropriate action, including action under subdivision 2, paragraph ~~(h)~~ (i), before the defendant's term of probation expires.

Sec. 13. Minnesota Statutes 2022, section 609.135, subdivision 2, is amended to read:

Subd. 2. **Stay of sentence maximum periods.** (a) Except as provided in paragraph (b), if the conviction is for a felony other than section 609.2113, subdivision 1 or 2, 609.2114, subdivision 2, or section 609.3451, subdivision 1 or 1a, or Minnesota Statutes 2012, section 609.21, subdivision 1a, paragraph (b) or (c), the stay shall be for not more than ~~four~~ five years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is ~~longer~~ less.

(b) If the conviction is for a felony described in section 609.19; 609.195; 609.20; 609.2112; 609.2113, subdivision 2; 609.2662; 609.2663; 609.2664; 609.268; 609.342; 609.343; 609.344;

609.345; 609.3451; or 609.3458, the stay shall be for not more than four years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

~~(b)~~ (c) If the conviction is for a gross misdemeanor violation of section 169A.20, 609.2113, subdivision 3, or 609.3451, ~~or for a felony described in section 609.2113, subdivision 1 or 2, 609.2114, subdivision 2, or 609.3451, subdivision 1 or 1a;~~ the stay shall be for not more than ~~six~~ four years. The court shall provide for unsupervised probation for the last year of the stay unless the court finds that the defendant needs supervised probation for all or part of the last year.

~~(c)~~ (d) If the conviction is for a gross misdemeanor not specified in paragraph ~~(b)~~ (c), the stay shall be for not more than two years.

~~(d)~~ (e) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision 1, in which the victim of the crime was a family or household member as defined in section 518B.01, the stay shall be for not more than two years. The court shall provide for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

~~(e)~~ (f) If the conviction is for a misdemeanor not specified in paragraph ~~(d)~~ (e), the stay shall be for not more than one year.

~~(f)~~ (g) The defendant shall be discharged six months after the term of the stay expires, unless the stay has been revoked or extended under paragraph ~~(g)~~ (h), or the defendant has already been discharged.

~~(g)~~ (h) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to ~~(f)~~ (g), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes.

Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104.

~~(h)~~ (i) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to ~~(f)~~ (g), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1c, that:

(1) the defendant has failed to complete court-ordered treatment successfully; and

(2) the defendant is likely not to complete court-ordered treatment before the term of probation expires.

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

Sec. 14. **[609.247] CARJACKING.**

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

(b) "Carjacking" means taking a motor vehicle from the person or in the presence of another while having knowledge of not being entitled to the motor vehicle and using or threatening the imminent use of force against any person to overcome the person's resistance or powers of resistance to, or to compel acquiescence in, the taking of the motor vehicle.

(c) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, clause (10).

Subd. 2. **First degree.** Whoever, while committing a carjacking, is armed with a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is guilty of carjacking in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.

Subd. 3. **Second degree.** Whoever, while committing a carjacking, implies, by word or act, possession of a dangerous weapon, is guilty of carjacking in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Subd. 4. **Third degree.** Whoever commits carjacking under any other circumstances is guilty of carjacking in the third degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

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

Sec. 15. Minnesota Statutes 2022, section 609.746, subdivision 1, is amended to read:

Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of a gross misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(b) A person is guilty of a gross misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(c) A person is guilty of a gross misdemeanor who:

(1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(d) A person is guilty of a gross misdemeanor who:

(1) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(e) A person is guilty of a gross misdemeanor who:

(1) uses any device for photographing, recording, or broadcasting an image of an individual in a house or place of dwelling, a sleeping room of a hotel as defined in section 327.70, subdivision 3, a tanning booth, a bathroom, a locker room, a changing room, an indoor shower facility, or any place where a reasonable person would have an expectation of privacy; and

(2) does so with the intent to photograph, record, or broadcast an image of the individual's intimate parts, as defined in section 609.341, subdivision 5, without the consent of the individual.

(f) A person is guilty of a misdemeanor who:

(1) surreptitiously installs or uses any device for observing, photographing, recording, or broadcasting an image of an individual's intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts;

(2) observes, photographs, or records the image under or around the individual's clothing; and

(3) does so with intent to intrude upon or interfere with the privacy of the individual.

~~(e)~~ (g) A person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both, if the person:

(1) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) after a previous conviction under this subdivision or section 609.749; or

(2) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) against a minor under the age of 18, knowing or having reason to know that the minor is present.

~~(f)~~ (h) A person is guilty of a felony and may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$5,000, or both, if: (1) the person violates paragraph (b) ~~or~~, (d), or (e) against a minor victim under the age of 18; (2) the person is more than 36 months older than the minor victim; (3) the person knows or has reason to know that the minor victim is present; and (4) the violation is committed with sexual intent.

(i) A person is guilty of a gross misdemeanor if the person:

(1) violates paragraph (f) after a previous conviction under this subdivision or section 609.749;
or

(2) violates paragraph (f) against a minor under the age of 18, knowing or having reason to know that the victim is a minor.

(j) A person is guilty of a felony if the person violates paragraph (f) after two or more convictions under this subdivision or section 609.749.

~~(g) Paragraphs (k) Paragraph (b) and, (d) do, or (e) does not apply to law enforcement officers or corrections investigators, or to those acting under their direction, while engaged in the performance of their lawful duties. Paragraphs (c) and, (d), and (e) do not apply to conduct in: (1) a medical facility; or (2) a commercial establishment if the owner of the establishment has posted conspicuous signs warning that the premises are under surveillance by the owner or the owner's employees.~~

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

Sec. 16. **[609.771] USE OF DEEP FAKE TECHNOLOGY TO INFLUENCE AN ELECTION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the attorney general;

(2) a county attorney or city attorney;

(3) the depicted individual; or

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

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

Sec. 17. Minnesota Statutes 2022, section 609.78, subdivision 2a, is amended to read:

Subd. 2a. **Felony offense; reporting fictitious emergency resulting in serious injury.** Whoever violates subdivision 2, clause (2), is guilty of a felony and may be sentenced as follows:

(1) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the call triggers an emergency response and, as a result of the response, someone suffers great bodily harm or death; or

(2) to imprisonment of not more than three years or to payment of a fine of not more than \$10,000, or both, if the call triggers an emergency response and as a result of the response, someone suffers substantial bodily harm.

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

Sec. 18. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

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

(1) all pending actions or proceedings were resolved in favor of the petitioner. For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved in favor of the petitioner, if the petitioner received an order under section 590.11 determining that the petitioner is eligible for compensation based on exoneration;

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

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

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

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

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

(1) section 35.824 (altering livestock certificate);

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

- (3) section 86B.865, subdivision 1 (certification for title on watercraft);
- (4) section 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled substance);
- (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09, subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);
- (6) chapter 201; 203B; or 204C (voting violations);
- (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);
- (8) section 256.984 (false declaration in assistance application);
- (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices and solicitations);
- (13) section 346.155, subdivision 10 (failure to control regulated animal);
- (14) section 349.2127; or 349.22 (gambling regulations);
- (15) section 588.20 (contempt);
- (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- (17) section 609.31 (leaving state to evade establishment of paternity);
- (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil commitment for mental illness);
- (19) section 609.49 (failure to appear in court);
- (20) section 609.52, subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft offense that is sentenced under this provision; or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk of bodily harm);
- (21) section 609.525 (bringing stolen goods into state);
- (22) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- (23) section 609.527, subdivision 5b (possession or use of scanning device or reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit check); or 609.529 (mail theft);
- (24) section 609.53 (receiving stolen goods);

- (25) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check over \$500);
- (26) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- (27) section 609.551 (rustling and livestock theft);
- (28) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- (29) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- (30) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph (a) (criminal damage to property);
- (31) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- (32) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- (33) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision 4, paragraph (a) (lottery fraud);
- (34) section 609.652 (fraudulent driver's license and identification card);
- (35) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer); or 609.66, subdivision 1b (furnishing firearm to minor);
- (36) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- (37) section 609.686, subdivision 2 (tampering with fire alarm);
- (38) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy; subsequent violation or minor victim);
- (39) section 609.80, subdivision 2 (interference with cable communications system);
- (40) section 609.821, subdivision 2 (financial transaction card fraud);
- (41) section 609.822 (residential mortgage fraud);
- (42) section 609.825, subdivision 2 (bribery of participant or official in contest);
- (43) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with transit operator);
- (44) section 609.88 (computer damage); or 609.89 (computer theft);
- (45) section 609.893, subdivision 2 (telecommunications and information services fraud);
- (46) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- (47) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual property);

(48) section 609.896 (movie pirating);

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

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

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 19. Minnesota Statutes 2022, section 617.22, is amended to read:

617.22 CONCEALING BIRTH.

Every Any person who shall endeavor attempts to conceal the birth of a child by any disposition of its dead body, whether when the child died before or after its birth, shall be guilty of a misdemeanor. Every person who, having been convicted of endeavoring to conceal the stillbirth of any issue, or the death of any issue under the age of two years, shall, subsequent to that conviction, endeavor to conceal any subsequent birth or death, shall be punished by imprisonment for not more than five years. This section does not apply to the disposition of remains resulting from an abortion or miscarriage.

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

Sec. 20. Minnesota Statutes 2022, section 617.26, is amended to read:

617.26 MAILING AND CARRYING OBSCENE MATTER.

Every person who shall deposit or cause to be deposited in any post office in the state, or place in charge of any express company or other common carrier or person for transportation, any of the articles or things specified in section ~~617.201~~ or 617.241, or any circular, book, pamphlet, advertisement or notice relating thereto, with the intent of having the same conveyed by mail, express, or in any other manner; or who shall knowingly or willfully receive the same with intent to carry or convey it, or shall knowingly carry or convey the same by express, or in any other manner except by United States mail, shall be guilty of a misdemeanor. The provisions of this section ~~and section 617.201~~ shall not be construed to apply to an article or instrument used by physicians lawfully practicing, or by their direction or prescription, for the cure or prevention of disease.

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

Sec. 21. [617.262] NONCONSENSUAL DISSEMINATION OF A DEEP FAKE DEPICTING INTIMATE PARTS OR SEXUAL ACTS.

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

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

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

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

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

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

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

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

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

(1) a person's first and last name, first initial and last name, first name and last initial, or nickname;

(2) a person's home, school, or work address;

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

(4) a person's geolocation data.

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

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

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

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

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

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

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

(1) the actor knows that the depicted individual does not consent to the dissemination;

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

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

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

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

(3) the depicted individual is identifiable:

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

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

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

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

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

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

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

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

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

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

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

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

(1) the county where the offense occurred;

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

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

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

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

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

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

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

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

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

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

(8) the dissemination involves parody, satire, commentary, or criticism; or

(9) the dissemination involves works of political or newsworthy value.

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

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

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

(3) a telecommunications network or broadband provider.

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

Sec. 22. Minnesota Statutes 2022, section 628.26, is amended to read:

628.26 LIMITATIONS.

(a) Indictments or complaints for any crime resulting in the death of the victim may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for a violation of section 609.25 may be found or made at any time after the commission of the offense.

(c) Indictments or complaints for violation of section 609.282 may be found or made at any time after the commission of the offense if the victim was under the age of 18 at the time of the offense.

(d) Indictments or complaints for violation of section 609.282 where the victim was 18 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and 609.3458 may be found or made at any time after the commission of the offense.

(f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court within six years after the commission of the offense.

(g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2, paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, or for violation of section 609.527 where the offense involves eight or more direct victims or the total combined loss to the direct and indirect victims is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(h) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

(j) Indictments or complaints for violation of section 609.746 shall be found or made and filed in the proper court within the later of three years after the commission of the offense or three years after the offense was reported to law enforcement authorities.

~~(j)~~ (k) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense.

~~(k)~~ (l) The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

~~(l)~~ (m) The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated under a written agreement in a pretrial diversion program relating to that offense.

~~(m)~~ (n) The limitations periods contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date and to crimes committed before that date if the limitations period for the crime did not expire before August 1, 2023.

Sec. 23. Minnesota Statutes 2022, section 638.02, subdivision 3, is amended to read:

Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon extraordinary, the Board of Pardons shall file a copy of it with the district court of the county in which the conviction occurred, ~~and the court shall order the conviction set aside and include a copy of the pardon in the court file.~~ The court shall order all records wherever held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and prohibit the disclosure of the existence of the records or the opening of the records except under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1). The court shall send a copy of its order and the pardon to the Bureau of Criminal Apprehension and all other government entities that hold affected records.

Sec. 24. **PROBATION LIMITS; RETROACTIVE APPLICATION.**

(a) Any person placed on probation before August 1, 2023, is eligible for resentencing if:

(1) the person was placed on probation for a gross misdemeanor or felony violation;

(2) the court placed the person on probation for a length of time for a felony violation that exceeded five years or for a gross misdemeanor violation that exceeded four years;

(3) under Minnesota Statutes, section 609.135, subdivision 2, the maximum length of probation the court could have ordered the person to serve on or after August 1, 2023, is less than the period imposed; and

(4) the sentence of imprisonment has not been executed.

(b) Eligibility for resentencing within the maximum length of probation the court could have ordered the person to serve on or after August 1, 2023, applies to each period of probation ordered by the court. Upon resentencing, periods of probation must be served consecutively if a court previously imposed consecutive periods of probation on the person. The court may not increase a previously ordered period of probation under this section or order that periods of probation be served consecutively unless the court previously imposed consecutive periods of probation.

(c) Resentencing may take place without a hearing.

(d) The term of the stay of probation for any person who is eligible for resentencing under paragraph (a) and who has served five or more years of probation for a felony violation or four or more years of probation for a gross misdemeanor violation as of August 1, 2023, shall be considered to have expired on October 1, 2023, unless:

(1) the term of the stay of probation would have expired before that date under the original sentence; or

(2) the length of probation is extended pursuant to Minnesota Statutes, section 609.135, subdivision 2, paragraph (h) or (i).

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to sentences announced before that date.

Sec. 25. **SENTENCING GUIDELINES COMMISSION; MODIFICATION.**

The Sentencing Guidelines Commission shall modify the Sentencing Guidelines to be consistent with changes to Minnesota Statutes, section 609.135, subdivision 2, governing the maximum length of probation a court may order.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 26. **REVISOR INSTRUCTION.**

In Minnesota Statutes, the revisor of statutes shall substitute "364 days" for "one year" consistent with the change in this act. The revisor shall also make other technical changes resulting from the change of term to the statutory language if necessary to preserve the meaning of the text.

Sec. 27. **REPEALER.**

Minnesota Statutes 2022, sections 609.293, subdivisions 1 and 5; 609.34; 609.36; 617.20; 617.201; 617.202; 617.21; 617.28; and 617.29, are repealed.

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

ARTICLE 6

CONFORMING CHANGES

Section 1. Minnesota Statutes 2022, section 51A.14, is amended to read:

51A.14 INDEMNITY BONDS.

All directors, officers, and employees of an association shall, before entering upon the performance of any of their duties, execute their individual bonds with adequate corporate surety payable to the association as an indemnity for any loss the association may sustain of money or other property by or through any fraud, dishonesty, forgery or alteration, larceny, theft, embezzlement, robbery, carjacking, burglary, holdup, wrongful or unlawful abstraction, misapplication, misplacement, destruction or misappropriation, or any other dishonest or criminal act or omission by any such director, officer, employee, or agent. Associations which employ collection agents, who for any reason are not covered by a bond as hereinabove required, shall provide for the bonding of each such agent in an amount equal to at least twice the average monthly collection of such agent. Such agents shall be required to make settlement with the association at least monthly. No bond coverage will be required of any agent which is a financial institution insured by the Federal Deposit Insurance Corporation or by the federal savings and loan insurance corporation. The amounts and form of such bonds and sufficiency of the surety thereon shall be approved by the board of directors and by the commissioner. In lieu of individual bonds, a blanket bond, protecting the association from loss through any such act or acts on the part of any such director, officer, or employee, may be obtained. Such bonds shall provide that a cancellation thereof either by the surety or by the insured

shall not become effective unless and until ten days' notice in writing first shall have been given to the commissioner unless the commissioner shall have approved such cancellation earlier.

Sec. 2. Minnesota Statutes 2022, section 145A.061, subdivision 3, is amended to read:

Subd. 3. **Denial of service.** The commissioner may deny an application from any applicant who has been convicted of any of the following crimes:

Section 609.185 (murder in the first degree); section 609.19 (murder in the second degree); section 609.195 (murder in the third degree); section 609.20 (manslaughter in the first degree); section 609.205 (manslaughter in the second degree); section 609.25 (kidnapping); section 609.2661 (murder of an unborn child in the first degree); section 609.2662 (murder of an unborn child in the second degree); section 609.2663 (murder of an unborn child in the third degree); section 609.342 (criminal sexual conduct in the first degree); section 609.343 (criminal sexual conduct in the second degree); section 609.344 (criminal sexual conduct in the third degree); section 609.345 (criminal sexual conduct in the fourth degree); section 609.3451 (criminal sexual conduct in the fifth degree); section 609.3453 (criminal sexual predatory conduct); section 609.352 (solicitation of children to engage in sexual conduct); section 609.352 (communication of sexually explicit materials to children); section 609.365 (incest); section 609.377 (felony malicious punishment of a child); section 609.378 (felony neglect or endangerment of a child); section 609.561 (arson in the first degree); section 609.562 (arson in the second degree); section 609.563 (arson in the third degree); section 609.749, subdivision 3, 4, or 5 (felony harassment or stalking); section 152.021 (controlled substance crimes in the first degree); section 152.022 (controlled substance crimes in the second degree); section 152.023 (controlled substance crimes in the third degree); section 152.024 (controlled substance crimes in the fourth degree); section 152.025 (controlled substance crimes in the fifth degree); section 243.166 (violation of predatory offender registration law); section 617.23, subdivision 2, clause (1), or subdivision 3, clause (1) (indecent exposure involving a minor); section 617.246 (use of minors in sexual performance); section 617.247 (possession of pornographic work involving minors); section 609.221 (assault in the first degree); section 609.222 (assault in the second degree); section 609.223 (assault in the third degree); section 609.2231 (assault in the fourth degree); section 609.224 (assault in the fifth degree); section 609.2242 (domestic assault); section 609.2247 (domestic assault by strangulation); section 609.228 (great bodily harm caused by distribution of drugs); section 609.23 (mistreatment of persons confined); section 609.231 (mistreatment of residents or patients); section 609.2325 (criminal abuse); section 609.233 (criminal neglect); section 609.2335 (financial exploitation of a vulnerable adult); section 609.234 (failure to report); section 609.24 (simple robbery); section 609.245 (aggravated robbery); section 609.247 (carjacking); section 609.255 (false imprisonment); section 609.322 (solicitation, inducement, and promotion of prostitution and sex trafficking); section 609.324, subdivision 1 (hiring or engaging minors in prostitution); section 609.465 (presenting false claims to a public officer or body); section 609.466 (medical assistance fraud); section 609.52 (felony theft); section 609.82 (felony fraud in obtaining credit); section 609.527 (felony identity theft); section 609.582 (felony burglary); section 609.611 (felony insurance fraud); section 609.625 (aggravated forgery); section 609.63 (forgery); section 609.631 (felony check forgery); section 609.66, subdivision 1e (felony drive-by shooting); section 609.71 (felony riot); section 609.713 (terroristic threats); section 609.72, subdivision 3 (disorderly conduct by a caregiver against a vulnerable adult); section 609.821 (felony financial transaction card fraud); section 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); or aiding and abetting, attempting, or conspiring to commit any of the offenses in this subdivision.

Sec. 3. Minnesota Statutes 2022, section 146A.08, subdivision 1, is amended to read:

Subdivision 1. **Prohibited conduct.** (a) The commissioner may impose disciplinary action as described in section 146A.09 against any unlicensed complementary and alternative health care practitioner. The following conduct is prohibited and is grounds for disciplinary action:

(b) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt, or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States, reasonably related to engaging in complementary and alternative health care practices. Conviction, as used in this subdivision, includes a conviction of an offense which, if committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor, without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered.

(c) Conviction of any crime against a person. For purposes of this chapter, a crime against a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113; 609.2114; 609.215; 609.221; 609.222; 609.223; 609.224; 609.2242; 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245; 609.247; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342; 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1; 609.50, subdivision 1, clause (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3; and Minnesota Statutes 2012, section 609.21.

(d) Failure to comply with the self-reporting requirements of section 146A.03, subdivision 7.

(e) Engaging in sexual contact with a complementary and alternative health care client, engaging in contact that may be reasonably interpreted by a client as sexual, engaging in any verbal behavior that is seductive or sexually demeaning to the client, or engaging in sexual exploitation of a client or former client.

(f) Advertising that is false, fraudulent, deceptive, or misleading.

(g) Conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a complementary and alternative health care client; or any other practice that may create danger to any client's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(h) Adjudication as mentally incompetent or as a person who is dangerous to self or adjudication pursuant to chapter 253B as chemically dependent, mentally ill, developmentally disabled, mentally ill and dangerous to the public, or as a sexual psychopathic personality or sexually dangerous person.

(i) Inability to engage in complementary and alternative health care practices with reasonable safety to complementary and alternative health care clients.

(j) The habitual overindulgence in the use of or the dependence on intoxicating liquors.

(k) Improper or unauthorized personal or other use of any legend drugs as defined in chapter 151, any chemicals as defined in chapter 151, or any controlled substance as defined in chapter 152.

(l) Revealing a communication from, or relating to, a complementary and alternative health care client except when otherwise required or permitted by law.

(m) Failure to comply with a complementary and alternative health care client's request made under sections 144.291 to 144.298 or to furnish a complementary and alternative health care client record or report required by law.

(n) Splitting fees or promising to pay a portion of a fee to any other professional other than for services rendered by the other professional to the complementary and alternative health care client.

(o) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.

(p) Failure to make reports as required by section 146A.03 or cooperate with an investigation of the office.

(q) Obtaining money, property, or services from a complementary and alternative health care client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud.

(r) Failure to provide a complementary and alternative health care client with a copy of the client bill of rights or violation of any provision of the client bill of rights.

(s) Violating any order issued by the commissioner.

(t) Failure to comply with any provision of sections 146A.01 to 146A.11 and the rules adopted under those sections.

(u) Failure to comply with any additional disciplinary grounds established by the commissioner by rule.

(v) Revocation, suspension, restriction, limitation, or other disciplinary action against any health care license, certificate, registration, or right to practice of the unlicensed complementary and alternative health care practitioner in this or another state or jurisdiction for offenses that would be subject to disciplinary action in this state or failure to report to the office that charges regarding the practitioner's license, certificate, registration, or right of practice have been brought in this or another state or jurisdiction.

(w) Use of the title "doctor," "Dr.," or "physician" alone or in combination with any other words, letters, or insignia to describe the complementary and alternative health care practices the practitioner provides.

(x) Failure to provide a complementary and alternative health care client with a recommendation that the client see a health care provider who is licensed or registered by a health-related licensing board or the commissioner of health, if there is a reasonable likelihood that the client needs to be seen by a licensed or registered health care provider.

Sec. 4. Minnesota Statutes 2022, section 244.17, subdivision 3, is amended to read:

Subd. 3. **Offenders not eligible.** (a) The following offenders are not eligible to be placed in the challenge incarceration program:

(1) offenders who are committed to the commissioner's custody following a conviction for murder, manslaughter, criminal sexual conduct, assault, kidnapping, robbery, carjacking, arson, or any other offense involving death or intentional personal injury;

(2) offenders who were convicted within the preceding ten years of an offense described in clause (1) and were committed to the custody of the commissioner;

(3) offenders who have been convicted or adjudicated delinquent within the past five years for a violation of section 609.485;

(4) offenders who are committed to the commissioner's custody for an offense that requires registration under section 243.166;

(5) offenders who are the subject of a current arrest warrant or detainer;

(6) offenders who have fewer than 180 days remaining until their supervised release date;

(7) offenders who have had disciplinary confinement time added to their sentence or who have been placed in segregation, unless 90 days have elapsed from the imposition of the additional disciplinary confinement time or the last day of segregation;

(8) offenders who have received a suspended formal disciplinary sanction, unless the suspension has expired;

(9) offenders whose governing sentence is for an offense from another state or the United States; and

(10) offenders who have a medical condition included on the list of ineligible conditions described in paragraph (b).

(b) The commissioner of corrections shall develop a list of medical conditions that will disqualify an offender from participating in the challenge incarceration program. The commissioner shall submit the list and any changes to it to the chairs and ranking minority members of the senate and house committees having jurisdiction over criminal justice policy and funding.

Sec. 5. Minnesota Statutes 2022, section 245C.15, subdivision 1, is amended to read:

Subdivision 1. **Permanent disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) regardless of how much time has passed since the discharge of the sentence imposed, if any, for the offense; and (2) unless otherwise specified, regardless of the level of the offense, the individual has committed any of the following offenses: sections 243.166 (violation of predatory offender registration law); 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); a felony offense under 609.221 or 609.222 (assault in the first or second degree); a felony offense under sections 609.2242 and 609.2243 (domestic assault), spousal abuse, child abuse or neglect, or a crime against children; 609.2247 (domestic assault by strangulation); 609.228 (great bodily harm caused by distribution of drugs); 609.245 (aggravated robbery); 609.247,

subdivision 2 or 3 (carjacking in the first or second degree); 609.25 (kidnapping); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.322 (solicitation, inducement, and promotion of prostitution); 609.324, subdivision 1 (other prohibited acts); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.3458 (sexual extortion); 609.352 (solicitation of children to engage in sexual conduct); 609.365 (incest); a felony offense under 609.377 (malicious punishment of a child); a felony offense under 609.378 (neglect or endangerment of a child); 609.561 (arson in the first degree); 609.66, subdivision 1e (drive-by shooting); 609.749, subdivision 3, 4, or 5 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); 617.23, subdivision 2, clause (1), or subdivision 3, clause (1) (indecent exposure involving a minor); 617.246 (use of minors in sexual performance prohibited); 617.247 (possession of pictorial representations of minors); or, for a child care background study subject, conviction of a crime that would make the individual ineligible for employment under United States Code, title 42, section 9858f, except for a felony drug conviction, regardless of whether a period of disqualification under subdivisions 2 to 4, would apply if the individual were not a child care background study subject.

(b) An individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes, permanently disqualifies the individual under section 245C.14.

(c) An individual's offense in any other state or country, where the elements of the offense are substantially similar to any of the offenses listed in paragraph (a), permanently disqualifies the individual under section 245C.14.

(d) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

(e) If the individual studied commits one of the offenses listed in paragraph (a) that is specified as a felony-level only offense, but the sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is disqualified, but the disqualification look-back period for the offense is the period applicable to gross misdemeanor or misdemeanor offenses.

(f) A child care background study subject shall be disqualified if the individual is registered, or required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry.

Sec. 6. Minnesota Statutes 2022, section 245C.15, subdivision 2, is amended to read:

Subd. 2. **15-year disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a felony-level violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (fraud); 393.07, subdivision 10, paragraph (c) (federal SNAP fraud); 609.165 (felon ineligible to possess firearm); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (suicide); 609.223 or 609.2231 (assault in the third or fourth degree); repeat offenses under 609.224 (assault in the fifth degree); 609.229 (crimes committed for benefit of a gang); 609.2325 (criminal abuse of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in the third degree); 609.255 (false imprisonment); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.27 (coercion); 609.275 (attempt to coerce); 609.466 (medical assistance fraud); 609.495 (aiding an offender); 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a witness); 609.52 (theft); 609.521 (possession of shoplifting gear); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.562 (arson in the second degree); 609.563 (arson in the third degree); 609.582 (burglary); 609.59 (possession of burglary tools); 609.611 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery; offering a forged check); 609.635 (obtaining signature by false pretense); 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns); 609.687 (adulteration); 609.71 (riot); 609.713 (terroristic threats); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; repeat offenses under 617.241 (obscene materials and performances; distribution and exhibition prohibited; penalty); 624.713 (certain persons not to possess firearms); chapter 152 (drugs; controlled substance); or Minnesota Statutes 2012, section 609.21; or a felony-level conviction involving alcohol or drug use.

(b) An individual is disqualified under section 245C.14 if less than 15 years has passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

(c) An individual is disqualified under section 245C.14 if less than 15 years has passed since the termination of the individual's parental rights under section 260C.301, subdivision 1, paragraph (b), or subdivision 3.

(d) An individual is disqualified under section 245C.14 if less than 15 years has passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of the offenses listed in paragraph (a).

(e) If the individual studied commits one of the offenses listed in paragraph (a), but the sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is disqualified but the disqualification look-back period for the offense is the period applicable to the gross misdemeanor or misdemeanor disposition.

(f) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a

disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

Sec. 7. Minnesota Statutes 2022, section 245C.15, subdivision 4a, is amended to read:

Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting, regardless of how much time has passed, an individual is disqualified under section 245C.14 if the individual committed an act that resulted in a felony-level conviction for sections: 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.2112 (criminal vehicular homicide); 609.221 (assault in the first degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse); 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245 (aggravated robbery); 609.247, subdivision 2 or 3 (carjacking in the first or second degree); 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.322, subdivision 1 (solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree); 609.324, subdivision 1 (other prohibited acts; engaging in, hiring, or agreeing to hire minor to engage in prostitution); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.561 (arson in the first degree); 609.582, subdivision 1 (burglary in the first degree); 609.746 (interference with privacy); 617.23 (indecent exposure); 617.246 (use of minors in sexual performance prohibited); or 617.247 (possession of pictorial representations of minors).

(b) Notwithstanding subdivisions 1 to 4, for the purposes of a background study affiliated with a licensed family foster setting, an individual is disqualified under section 245C.14, regardless of how much time has passed, if the individual:

(1) committed an action under paragraph (e) that resulted in death or involved sexual abuse, as defined in section 260E.03, subdivision 20;

(2) committed an act that resulted in a gross misdemeanor-level conviction for section 609.3451 (criminal sexual conduct in the fifth degree);

(3) committed an act against or involving a minor that resulted in a felony-level conviction for: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third degree); 609.2231 (assault in the fourth degree); or 609.224 (assault in the fifth degree); or

(4) committed an act that resulted in a misdemeanor or gross misdemeanor-level conviction for section 617.293 (dissemination and display of harmful materials to minors).

(c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting, an individual is disqualified under section 245C.14 if fewer than 20 years have passed since the termination of the individual's parental rights under section 260C.301, subdivision 1, paragraph (b), or if the individual consented to a termination of parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to involuntarily terminate parental rights. An individual is disqualified under section 245C.14 if fewer than 20 years have passed since the termination of the individual's parental rights in any other state or country, where the conditions for the individual's termination of parental rights are substantially similar to the conditions in section 260C.301, subdivision 1, paragraph (b).

(d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting, an individual is disqualified under section 245C.14 if fewer than five years have passed since a felony-level violation for sections: 152.021 (controlled substance crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing controlled substances across state borders); 152.0262, subdivision 1, paragraph (b) (possession of substance with intent to manufacture methamphetamine); 152.027, subdivision 6, paragraph (c) (sale or possession of synthetic cannabinoids); 152.096 (conspiracies prohibited); 152.097 (simulated controlled substances); 152.136 (anhydrous ammonia; prohibited conduct; criminal penalties; civil liabilities); 152.137 (methamphetamine-related crimes involving children or vulnerable adults); 169A.24 (felony first-degree driving while impaired); 243.166 (violation of predatory offender registration requirements); 609.2113 (criminal vehicular operation; bodily harm); 609.2114 (criminal vehicular operation; unborn child); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal abuse of a vulnerable adult not resulting in the death of a vulnerable adult); 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate a crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in the third degree); 609.322, subdivision 1a (solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree); 609.498, subdivision 1 (tampering with a witness in the first degree); 609.498, subdivision 1b (aggravated first-degree witness tampering); 609.562 (arson in the second degree); 609.563 (arson in the third degree); 609.582, subdivision 2 (burglary in the second degree); 609.66 (felony dangerous weapons); 609.687 (adulteration); 609.713 (terroristic threats); 609.749, subdivision 3, 4, or 5 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); or 624.713 (certain people not to possess firearms).

(e) Notwithstanding subdivisions 1 to 4, except as provided in paragraph (a), for a background study affiliated with a licensed family child foster care license, an individual is disqualified under section 245C.14 if fewer than five years have passed since:

(1) a felony-level violation for an act not against or involving a minor that constitutes: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third degree); 609.2231 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the fifth degree);

(2) a violation of an order for protection under section 518B.01, subdivision 14;

(3) a determination or disposition of the individual's failure to make required reports under section 260E.06 or 626.557, subdivision 3, for incidents in which the final disposition under chapter 260E or section 626.557 was substantiated maltreatment and the maltreatment was recurring or serious;

(4) a determination or disposition of the individual's substantiated serious or recurring maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or serious or recurring maltreatment in any other state, the elements of which are substantially similar to the elements of maltreatment under chapter 260E or section 626.557 and meet the definition of serious maltreatment or recurring maltreatment;

(5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure); or

(6) committing an act against or involving a minor that resulted in a misdemeanor-level violation of section 609.224, subdivision 1 (assault in the fifth degree).

(f) For purposes of this subdivision, the disqualification begins from:

(1) the date of the alleged violation, if the individual was not convicted;

(2) the date of conviction, if the individual was convicted of the violation but not committed to the custody of the commissioner of corrections; or

(3) the date of release from prison, if the individual was convicted of the violation and committed to the custody of the commissioner of corrections.

Notwithstanding clause (3), if the individual is subsequently reincarcerated for a violation of the individual's supervised release, the disqualification begins from the date of release from the subsequent incarceration.

(g) An individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota Statutes, permanently disqualifies the individual under section 245C.14. An individual is disqualified under section 245C.14 if fewer than five years have passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs (d) and (e).

(h) An individual's offense in any other state or country, where the elements of the offense are substantially similar to any of the offenses listed in paragraphs (a) and (b), permanently disqualifies the individual under section 245C.14. An individual is disqualified under section 245C.14 if fewer

than five years have passed since an offense in any other state or country, the elements of which are substantially similar to the elements of any offense listed in paragraphs (d) and (e).

Sec. 8. Minnesota Statutes 2022, section 245C.24, subdivision 3, is amended to read:

Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner may not set aside the disqualification of an individual in connection with a license to provide family child care for children or foster care or day care services for adults in the provider's home if: (1) less than ten years has passed since the discharge of the sentence imposed, if any, for the offense; or (2) when disqualified based on a preponderance of evidence determination under section 245C.14, subdivision 1, paragraph (a), clause (2), or an admission under section 245C.14, subdivision 1, paragraph (a), clause (1), and less than ten years has passed since the individual committed the act or admitted to committing the act, whichever is later; and (3) the individual has committed a violation of any of the following offenses: sections 609.165 (felon ineligible to possess firearm); criminal vehicular homicide or criminal vehicular operation causing death under 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (aiding suicide or aiding attempted suicide); felony violations under 609.223 or 609.2231 (assault in the third or fourth degree); 609.229 (crimes committed for benefit of a gang); 609.713 (terroristic threats); 609.235 (use of drugs to injure or to facilitate crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in the third degree); 609.255 (false imprisonment); 609.562 (arson in the second degree); 609.71 (riot); 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a witness); burglary in the first or second degree under 609.582 (burglary); 609.66 (dangerous weapon); 609.665 (spring guns); 609.67 (machine guns and short-barreled shotguns); 609.749, subdivision 2 (gross misdemeanor harassment); 152.021 or 152.022 (controlled substance crime in the first or second degree); 152.023, subdivision 1, clause (3) or (4) or subdivision 2, clause (4) (controlled substance crime in the third degree); 152.024, subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree); 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report); 609.265 (abduction); 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree); 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree); 609.268 (injury or death of an unborn child in the commission of a crime); repeat offenses under 617.23 (indecent exposure); 617.293 (disseminating or displaying harmful material to minors); a felony-level conviction involving alcohol or drug use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts); a gross misdemeanor offense under 609.378 (neglect or endangerment of a child); a gross misdemeanor offense under 609.377 (malicious punishment of a child); 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); or 624.713 (certain persons not to possess firearms); or Minnesota Statutes 2012, section 609.21.

(b) The commissioner may not set aside the disqualification of an individual if less than ten years have passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a) as each of these offenses is defined in Minnesota Statutes.

(c) The commissioner may not set aside the disqualification of an individual if less than ten years have passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in paragraph (a).

Sec. 9. Minnesota Statutes 2022, section 253B.02, subdivision 4e, is amended to read:

Subd. 4e. **Crime against the person.** "Crime against the person" means a violation of or attempt to violate any of the following provisions: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (suicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse); 609.233 (criminal neglect); 609.2335 (financial exploitation of a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.265 (abduction); 609.27, subdivision 1, clause (1) or (2) (coercion); 609.28 (interfering with religious observance) if violence or threats of violence were used; 609.322, subdivision 1, paragraph (a), clause (2) (solicitation); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.3458 (sexual extortion); 609.365 (incest); 609.498, subdivision 1 (tampering with a witness); 609.50, clause (1) (obstructing legal process, arrest, and firefighting); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.595 (damage to property); and 609.72, subdivision 3 (disorderly conduct by a caregiver); and Minnesota Statutes 2012, section 609.21.

Sec. 10. Minnesota Statutes 2022, section 253D.02, subdivision 8, is amended to read:

Subd. 8. **Harmful sexual conduct.** (a) "Harmful sexual conduct" means sexual conduct that creates a substantial likelihood of serious physical or emotional harm to another.

(b) There is a rebuttable presumption that conduct described in the following provisions creates a substantial likelihood that a victim will suffer serious physical or emotional harm: section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3458 (sexual extortion). If the conduct was motivated by the person's sexual impulses or was part of a pattern of behavior that had criminal sexual conduct as a goal, the presumption also applies to conduct described in section 609.185 (murder in the first degree), 609.19 (murder in the second degree), 609.195 (murder in the third degree), 609.20 (manslaughter in the first degree), 609.205 (manslaughter in the second degree), 609.221 (assault in the first degree), 609.222 (assault in the second degree), 609.223 (assault in the third degree), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.247 (carjacking), 609.25 (kidnapping), 609.255 (false imprisonment), 609.365 (incest), 609.498 (tampering with a witness), 609.561 (arson in the first degree), 609.582, subdivision 1 (burglary in the first degree), 609.713 (terroristic threats), or 609.749, subdivision 3 or 5 (harassment or stalking).

Sec. 11. Minnesota Statutes 2022, section 260B.171, subdivision 3, is amended to read:

Subd. 3. **Disposition order; copy to school.** (a) If a juvenile is enrolled in school, the juvenile's probation officer shall ensure that either a mailed notice or an electronic copy of the court's disposition order be transmitted to the superintendent of the juvenile's school district or the chief administrative

officer of the juvenile's school if the juvenile has been adjudicated delinquent for committing an act on the school's property or an act:

(1) that would be a violation of section 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or 609.749 (harassment or stalking), if committed by an adult; or Minnesota Statutes 2012, section 609.21;

(2) that would be a violation of section 152.021 (first-degree controlled substance crime); 152.022 (second-degree controlled substance crime); 152.023 (third-degree controlled substance crime); 152.024 (fourth-degree controlled substance crime); 152.025 (fifth-degree controlled substance crime); 152.0261 (importing a controlled substance); 152.0262 (possession of substances with intent to manufacture methamphetamine); or 152.027 (other controlled substance offenses), if committed by an adult; or

(3) that involved the possession or use of a dangerous weapon as defined in section 609.02, subdivision 6.

When a disposition order is transmitted under this subdivision, the probation officer shall notify the juvenile's parent or legal guardian that the disposition order has been shared with the juvenile's school.

(b) In addition, the juvenile's probation officer may transmit a copy of the court's disposition order to the superintendent of the juvenile's school district or the chief administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent for offenses not listed in paragraph (a) and placed on probation. The probation officer shall notify the superintendent or chief administrative officer when the juvenile is discharged from probation.

(c) The disposition order must be accompanied by a notice to the school that the school may obtain additional information from the juvenile's probation officer with the consent of the juvenile or the juvenile's parents, as applicable. The disposition order must be maintained, shared, or released only as provided in section 121A.75.

(d) The juvenile's probation officer shall maintain a record of disposition orders released under this subdivision and the basis for the release.

(e) No later than September 1, 2002, the criminal and juvenile justice information policy group, in consultation with representatives of probation officers and educators, shall prepare standard forms for use by juvenile probation officers in forwarding information to schools under this subdivision and in maintaining a record of the information that is released. The group shall provide a copy of any forms or procedures developed under this paragraph to the legislature by January 15, 2003.

(f) As used in this subdivision, "school" means a charter school or a school as defined in section 120A.22, subdivision 4, except a home school.

Sec. 12. Minnesota Statutes 2022, section 299A.296, subdivision 2, is amended to read:

Subd. 2. **Grant procedure.** (a) A local unit of government or a nonprofit community-based entity may apply for a grant by submitting an application with the commissioner. The applicant shall specify the following in its application:

(1) a description of each program for which funding is sought;

(2) outcomes and performance indicators for the program;

(3) a description of the planning process that identifies local community needs, surveys existing programs, provides for coordination with existing programs, and involves all affected sectors of the community;

(4) the geographical area to be served by the program;

(5) statistical information as to the number of arrests in the geographical area for violent crimes and for crimes involving Schedule I and II controlled substances. "Violent crime" includes a violation of or an attempt or conspiracy to violate any of the following laws: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113; 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.687; or any provision of chapter 152 that is punishable by a maximum sentence greater than ten years; or Minnesota Statutes 2012, section 609.21; and

(6) the number of economically disadvantaged youth in the geographical areas to be served by the program.

(b) The commissioner shall give priority to funding community-based collaboratives, programs that demonstrate substantial involvement by members of the community served by the program and programs that either serve the geographical areas that have the highest crime rates, as measured by the data supplied under paragraph (a), clause (5), or serve geographical areas that have the largest concentrations of economically disadvantaged youth. Up to 2.5 percent of the appropriation may be used by the commissioner to administer the program.

Sec. 13. Minnesota Statutes 2022, section 299C.105, subdivision 1, is amended to read:

Subdivision 1. **Required collection of biological specimen for DNA testing.** (a) Sheriffs, peace officers, and community corrections agencies operating secure juvenile detention facilities shall take or cause to be taken biological specimens for the purpose of DNA analysis as defined in section 299C.155, of the following:

(1) persons who have appeared in court and have had a judicial probable cause determination on a charge of committing, or persons having been convicted of or attempting to commit, any of the following:

- (i) murder under section 609.185, 609.19, or 609.195;
 - (ii) manslaughter under section 609.20 or 609.205;
 - (iii) assault under section 609.221, 609.222, or 609.223;
 - (iv) robbery under section 609.24 ~~or~~, aggravated robbery under section 609.245, or carjacking under section 609.247;
 - (v) kidnapping under section 609.25;
 - (vi) false imprisonment under section 609.255;
 - (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453;
 - (viii) incest under section 609.365;
 - (ix) burglary under section 609.582, subdivision 1; or
 - (x) indecent exposure under section 617.23, subdivision 3;
- (2) persons sentenced as patterned sex offenders under section 609.3455, subdivision 3a; or
- (3) juveniles who have appeared in court and have had a judicial probable cause determination on a charge of committing, or juveniles having been adjudicated delinquent for committing or attempting to commit, any of the following:
- (i) murder under section 609.185, 609.19, or 609.195;
 - (ii) manslaughter under section 609.20 or 609.205;
 - (iii) assault under section 609.221, 609.222, or 609.223;
 - (iv) robbery under section 609.24 ~~or~~, aggravated robbery under section 609.245, or carjacking under section 609.247;
 - (v) kidnapping under section 609.25;
 - (vi) false imprisonment under section 609.255;
 - (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453;
 - (viii) incest under section 609.365;
 - (ix) burglary under section 609.582, subdivision 1; or
 - (x) indecent exposure under section 617.23, subdivision 3.

(b) Unless the superintendent of the bureau requires a shorter period, within 72 hours the biological specimen required under paragraph (a) must be forwarded to the bureau in such a manner as may be prescribed by the superintendent.

(c) Prosecutors, courts, and probation officers shall attempt to ensure that the biological specimen is taken on a person described in paragraph (a).

Sec. 14. Minnesota Statutes 2022, section 299C.67, subdivision 2, is amended to read:

Subd. 2. **Background check crime.** "Background check crime" means:

(a)(1) a felony violation of section 609.185 (first-degree murder); 609.19 (second-degree murder); 609.20 (first-degree manslaughter); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.25 (kidnapping); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.561 (first-degree arson); or 609.749 (harassment or stalking);

(2) an attempt to commit a crime in clause (1); or

(3) a conviction for a crime in another jurisdiction that would be a violation under clause (1) or an attempt under clause (2) in this state; or

(b)(1) a felony violation of section 609.195 (third-degree murder); 609.205 (second-degree manslaughter); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.255 (false imprisonment); 609.52 (theft); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or a nonfelony violation of section 609.749 (harassment); or Minnesota Statutes 2012, section 609.21;

(2) an attempt to commit a crime in clause (1); or

(3) a conviction for a crime in another jurisdiction that would be a violation under clause (1) or an attempt under clause (2) in this state.

Sec. 15. Minnesota Statutes 2022, section 326.3381, subdivision 3, is amended to read:

Subd. 3. **Disqualification.** No person is qualified to hold a license who has:

(1) been convicted of (i) a felony by the courts of this or any other state or of the United States; (ii) acts which, if done in Minnesota, would be criminal sexual conduct; assault; theft; larceny; burglary; robbery; carjacking; unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; possession, production, sale, or distribution of narcotics unlawfully; or (iii) in any other country of acts which, if done in Minnesota, would be a felony or would be any of the other offenses provided in this clause and for which a full pardon or similar relief has not been granted;

(2) made any false statement in an application for a license or any document required to be submitted to the board; or

(3) failed to demonstrate to the board good character, honesty, and integrity.

Sec. 16. Minnesota Statutes 2022, section 609.1095, subdivision 1, is amended to read:

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

(b) "Conviction" means any of the following accepted and recorded by the court: a plea of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes a conviction by any court in Minnesota or another jurisdiction.

(c) "Prior conviction" means a conviction that occurred before the offender committed the next felony resulting in a conviction and before the offense for which the offender is being sentenced under this section.

(d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of the following laws of this state or any similar laws of the United States or any other state: sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113; 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15 years or more; or Minnesota Statutes 2012, section 609.21.

Sec. 17. Minnesota Statutes 2022, section 609.11, subdivision 9, is amended to read:

Subd. 9. **Applicable offenses.** The crimes for which mandatory minimum sentences shall be served as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; carjacking in the first, second, or third degree; first-degree or aggravated first-degree witness tampering; criminal sexual conduct under the circumstances described in sections 609.342, subdivision 1, and subdivision 1a, clauses (a) to (f) and (i); 609.343, subdivision 1, and subdivision 1a, clauses (a) to (f) and (i); and 609.344, subdivision 1, clauses (a) to (c) and (d), under the conditions described in section 609.341, subdivision 24, clause (2), item (i), (ii), or (iii), and subdivision 1a, clauses (a) to (e), (h), and (i), under the conditions described in section 609.341, subdivision 24, clause (2), item (i), (ii), or (iii); escape from custody; arson in the first, second, or third degree; drive-by shooting under section 609.66, subdivision 1e; harassment under section 609.749, subdivision 3, paragraph (a), clause (3); possession or other unlawful use of a firearm or ammunition in violation of section 609.165, subdivision 1b, or 624.713, subdivision 1, clause (2), a felony violation of chapter 152; or any attempt to commit any of these offenses.

Sec. 18. Minnesota Statutes 2022, section 609.185, is amended to read:

609.185 MURDER IN THE FIRST DEGREE.

(a) Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) causes the death of a human being with premeditation and with intent to effect the death of the person or of another;

(2) causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;

(3) causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, carjacking in the first or second degree, kidnapping, arson in the first or second degree, a drive-by shooting, tampering with a witness in the first degree, escape from custody, or any felony violation of chapter 152 involving the unlawful sale of a controlled substance;

(4) causes the death of a peace officer, prosecuting attorney, judge, or a guard employed at a Minnesota state or local correctional facility, with intent to effect the death of that person or another, while the person is engaged in the performance of official duties;

(5) causes the death of a minor while committing child abuse, when the perpetrator has engaged in a past pattern of child abuse upon a child and the death occurs under circumstances manifesting an extreme indifference to human life;

(6) causes the death of a human being while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another family or household member and the death occurs under circumstances manifesting an extreme indifference to human life; or

(7) causes the death of a human being while committing, conspiring to commit, or attempting to commit a felony crime to further terrorism and the death occurs under circumstances manifesting an extreme indifference to human life.

(b) For the purposes of paragraph (a), clause (4), "prosecuting attorney" has the meaning given in section 609.221, subdivision 2, paragraph (c), clause (4).

(c) For the purposes of paragraph (a), clause (4), "judge" has the meaning given in section 609.221, subdivision 2, paragraph (c), clause (5).

(d) For purposes of paragraph (a), clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of the following laws of this state or any similar laws of the United States or any other state: section 609.221; 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

(e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:

(1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or any other state; and

(2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b).

(f) For purposes of paragraph (a), clause (7), "further terrorism" has the meaning given in section 609.714, subdivision 1.

Sec. 19. Minnesota Statutes 2022, section 609.2661, is amended to read:

609.2661 MURDER OF UNBORN CHILD IN THE FIRST DEGREE.

Whoever does any of the following is guilty of murder of an unborn child in the first degree and must be sentenced to imprisonment for life:

(1) causes the death of an unborn child with premeditation and with intent to effect the death of the unborn child or of another;

(2) causes the death of an unborn child while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the mother of the unborn child or another; or

(3) causes the death of an unborn child with intent to effect the death of the unborn child or another while committing or attempting to commit burglary, aggravated robbery, carjacking in the first or second degree, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, or escape from custody.

Sec. 20. Minnesota Statutes 2022, section 609.341, subdivision 22, is amended to read:

Subd. 22. **Predatory crime.** "Predatory crime" means a felony violation of section 609.185 (first-degree murder), 609.19 (second-degree murder), 609.195 (third-degree murder), 609.20 (first-degree manslaughter), 609.205 (second-degree manslaughter), 609.221 (first-degree assault), 609.222 (second-degree assault), 609.223 (third-degree assault), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.247 (carjacking), 609.25 (kidnapping), 609.255 (false imprisonment), 609.498 (tampering with a witness), 609.561 (first-degree arson), or 609.582, subdivision 1 (first-degree burglary).

Sec. 21. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

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

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if the property is a firearm, or the value of the property or services stolen is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4), (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

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

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

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

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

(c) the value of the property or services stolen is more than \$500 but not more than \$1,000 and the person has been convicted within the preceding five years for an offense under this section, section 256.98; 268.182; 609.24; 609.245; 609.247; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or

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

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

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

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

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

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

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

(5) in all other cases where the value of the property or services stolen is \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3), (4), (13), and (19), the value of the money or property or services received by the defendant in violation of any one or more of the above provisions within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Sec. 22. Minnesota Statutes 2022, section 609.526, subdivision 2, is amended to read:

Subd. 2. **Crime described.** Any precious metal dealer or scrap metal dealer or any person employed by a dealer, who receives, possesses, transfers, buys, or conceals any stolen property or property obtained by robbery or carjacking, knowing or having reason to know the property was stolen or obtained by robbery or carjacking, may be sentenced as follows:

(1) if the value of the property received, bought, or concealed is \$1,000 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$50,000, or both;

(2) if the value of the property received, bought, or concealed is less than \$1,000 but more than \$500, to imprisonment for not more than three years or to payment of a fine of not more than \$25,000, or both;

(3) if the value of the property received, bought, or concealed is \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both.

Any person convicted of violating this section a second or subsequent time within a period of one year may be sentenced as provided in clause (1).

Sec. 23. Minnesota Statutes 2022, section 609.531, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Department of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District Department of Public Safety, the Department of Natural Resources Division of Enforcement, the University of Minnesota Police Department, the Department of Corrections Fugitive Apprehension Unit, a city, metropolitan transit, or airport police department; or a multijurisdictional entity established under section 299A.642 or 299A.681.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152 or 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113; 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.247; 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, or subdivision 1a, clauses (a) to (f) and (i); 609.343, subdivision 1, or subdivision 1a, clauses (a) to (f) and (i); 609.344, subdivision 1, or subdivision 1a, clauses (a) to (e), (h), or (i); 609.345, subdivision 1, or subdivision 1a, clauses (a) to (e), (h), and (i); 609.352; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of, or a felony-level attempt or conspiracy to violate, Minnesota Statutes 2012, section 609.21.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

(h) "Prosecuting authority" means the attorney who is responsible for prosecuting an offense that is the basis for a forfeiture under sections 609.531 to 609.5318.

(i) "Asserting person" means a person, other than the driver alleged to have used a vehicle in the transportation or exchange of a controlled substance intended for distribution or sale, claiming an ownership interest in a vehicle that has been seized or restrained under this section.

Sec. 24. Minnesota Statutes 2022, section 609.631, subdivision 4, is amended to read:

Subd. 4. **Sentencing.** A person who is convicted under subdivision 2 or 3 may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain, property or services of more than \$35,000 or the aggregate amount of the forged check or checks is more than \$35,000;

(2) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain, property or services of more than \$2,500 or the aggregate amount of the forged check or checks is more than \$2,500;

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

(a) the forged check or checks are used to obtain or in an attempt to obtain, property or services of more than \$250 but not more than \$2,500, or the aggregate face amount of the forged check or checks is more than \$250 but not more than \$2,500; or

(b) the forged check or checks are used to obtain or in an attempt to obtain, property or services of no more than \$250, or have an aggregate face value of no more than \$250, and the person has been convicted within the preceding five years for an offense under this section, section 609.24; 609.245; 609.247; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; or 609.821, or a statute from another state in conformity with any of those sections, and the person received a

felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; and

(4) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain, property or services of no more than \$250, or the aggregate face amount of the forged check or checks is no more than \$250.

In any prosecution under this subdivision, the value of the checks forged or offered by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of 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 checks was forged or offered for all of the offenses aggregated under this paragraph.

Sec. 25. Minnesota Statutes 2022, section 609.632, subdivision 4, is amended to read:

Subd. 4. **Penalty.** (a) A person who is convicted of violating subdivision 1 or 2 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both.

(b) A person who is convicted of violating subdivision 3 may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of more than \$35,000, or the aggregate face value of the counterfeited item is more than \$35,000;

(2) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of more than \$5,000, or the aggregate face value of the counterfeited item is more than \$5,000;

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

(i) the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of more than \$1,000 or the aggregate face value of the counterfeited item is more than \$1,000; or

(ii) the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of no more than \$1,000, or the aggregate face value of the counterfeited item is no more than \$1,000, and the person has been convicted within the preceding five years for an offense under this section, section 609.24; 609.245; 609.247; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; or 609.821, or a statute from another state or the United States in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow the imposition of a felony or gross misdemeanor sentence; or

(4) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of no more than \$1,000, or the aggregate face value of the counterfeited item is no more than \$1,000.

Sec. 26. Minnesota Statutes 2022, section 609.821, subdivision 3, is amended to read:

Subd. 3. **Sentence.** (a) A person who commits financial transaction card fraud may be sentenced as follows:

(1) for a violation of subdivision 2, clause (1), (2), (5), (8), or (9):

(i) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if the value of the property the person obtained or attempted to obtain was more than \$35,000, or the aggregate amount of the transactions under this subdivision was more than \$35,000; or

(ii) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the value of the property the person obtained or attempted to obtain was more than \$2,500, or the aggregate amount of the transactions under this subdivision was more than \$2,500; or

(iii) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the value of the property the person obtained or attempted to obtain was more than \$250 but not more than \$2,500, or the aggregate amount of the transactions under this subdivision was more than \$250 but not more than \$2,500; or

(iv) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the value of the property the person obtained or attempted to obtain was not more than \$250, or the aggregate amount of the transactions under this subdivision was not more than \$250, and the person has previously been convicted within the preceding five years for an offense under this section, section 609.24; 609.245; 609.247; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; or 609.631, or a statute from another state in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or

(v) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the property the person obtained or attempted to obtain was not more than \$250, or the aggregate amount of the transactions under this subdivision was not more than \$250;

(2) for a violation of subdivision 2, clause (3) or (4), to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both; or

(3) for a violation of subdivision 2, clause (6) or (7):

(i) if no property, other than a financial transaction card, has been obtained by the defendant by means of the false statement or false report, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; or

(ii) if property, other than a financial transaction card, is so obtained, in the manner provided in clause (1).

(b) In any prosecution under paragraph (a), clause (1), the value of the transactions made or attempted within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of 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 card transactions occurred for all of the transactions aggregated under this paragraph.

Sec. 27. Minnesota Statutes 2022, section 609B.161, is amended to read:

**609B.161 PRIVATE DETECTIVE OR PROTECTIVE AGENT BUSINESS LICENSE;
DISQUALIFICATION.**

Under section 326.3381, a person is disqualified from holding a private detective or protective agent business license if that person has been convicted of:

(1) a felony by the courts of this or any other state or of the United States;

(2) acts which, if committed in Minnesota, would be criminal sexual conduct; assault; theft; larceny; burglary; robbery; carjacking; unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; or possession, production, sale, or distribution of narcotics unlawfully; or

(3) acts in any other country which, if committed in Minnesota, would be a felony or considered as any of the other offenses listed in clause (2) and for which a full pardon or similar relief has not been granted.

Sec. 28. Minnesota Statutes 2022, section 611A.031, is amended to read:

611A.031 VICTIM INPUT REGARDING PRETRIAL DIVERSION.

A prosecutor shall make every reasonable effort to notify and seek input from the victim prior to referring a person into a pretrial diversion program in lieu of prosecution for a violation of sections 609.185, 609.19, 609.195, 609.20, 609.205, 609.221, 609.222, 609.223, 609.224, 609.2242, 609.24, 609.245, 609.247, 609.25, 609.255, 609.342, 609.343, 609.344, 609.345, 609.365, 609.498, 609.561, 609.582, subdivision 1, 609.687, 609.713, and 609.749.

Sec. 29. Minnesota Statutes 2022, section 611A.036, subdivision 7, is amended to read:

Subd. 7. **Definition.** As used in this section, "violent crime" means a violation or attempt to violate any of the following: section 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.2241 (knowing transfer of communicable disease); 609.2242 (domestic assault); 609.2245 (female genital mutilation); 609.2247 (domestic assault by strangulation); 609.228 (great bodily harm caused by distribution of

drugs); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse); 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.265 (abduction); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.2672 (assault of an unborn child in the third degree); 609.268 (injury or death of an unborn child in commission of a crime); 609.282 (labor trafficking); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.3458 (sexual extortion); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.561, subdivision 1 (arson in the first degree; dwelling); 609.582, subdivision 1, paragraph (a) or (c) (burglary in the first degree; occupied dwelling or involving an assault); 609.66, subdivision 1e, paragraph (b) (drive-by shooting; firing at or toward a person, or an occupied building or motor vehicle); or 609.749, subdivision 2 (harassment); or Minnesota Statutes 2012, section 609.21.

Sec. 30. Minnesota Statutes 2022, section 611A.08, subdivision 6, is amended to read:

Subd. 6. **Violent crime; definition.** For purposes of this section, "violent crime" means an offense named in sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.247; 609.25; 609.255; 609.342; 609.343; 609.344; 609.345; 609.3458; 609.561; 609.562; 609.563; and 609.582, or an attempt to commit any of these offenses. "Violent crime" includes crimes in other states or jurisdictions which would have been within the definition set forth in this subdivision if they had been committed in this state.

Sec. 31. Minnesota Statutes 2022, section 624.712, subdivision 5, is amended to read:

Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582,

subdivision 1 or 2 (burglary in the first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 (harassment); 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an attempt to commit any of these offenses.

Sec. 32. Minnesota Statutes 2022, section 626A.05, subdivision 2, is amended to read:

Subd. 2. Offenses for which interception of wire or oral communication may be authorized.

A warrant authorizing interception of wire, electronic, or oral communications by investigative or law enforcement officers may only be issued when the interception may provide evidence of the commission of, or of an attempt or conspiracy to commit, any of the following offenses:

(1) a felony offense involving murder, manslaughter, assault in the first, second, and third degrees, aggravated robbery, carjacking in the first or second degree, kidnapping, criminal sexual conduct in the first, second, and third degrees, prostitution, bribery, perjury, escape from custody, theft, receiving stolen property, embezzlement, burglary in the first, second, and third degrees, forgery, aggravated forgery, check forgery, or financial transaction card fraud, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.221, 609.222, 609.223, 609.2231, 609.245, 609.247, subdivision 2 or 3, 609.25, 609.321 to 609.324, 609.342, 609.343, 609.344, 609.42, 609.48, 609.485, subdivision 4, paragraph (a), clause (1), 609.52, 609.53, 609.54, 609.582, 609.625, 609.63, 609.631, 609.821, and 609.825;

(2) an offense relating to gambling or controlled substances, as punishable under section 609.76 or chapter 152; or

(3) an offense relating to restraint of trade defined in section 325D.53, subdivision 1 or 2, as punishable under section 325D.56, subdivision 2.

Sec. 33. Minnesota Statutes 2022, section 629.361, is amended to read:

629.361 PEACE OFFICERS RESPONSIBLE FOR CUSTODY OF STOLEN PROPERTY.

A peace officer arresting a person charged with committing or aiding in the committing of a robbery, aggravated robbery, carjacking, or theft shall use reasonable diligence to secure the property alleged to have been stolen. After seizure of the property, the officer shall be answerable for it while it remains in the officer's custody. The officer shall annex a schedule of the property to the return of the warrant. Upon request of the county attorney, the law enforcement agency that has custody of the property alleged to have been stolen shall deliver the property to the custody of the county attorney for use as evidence at an omnibus hearing or at trial. The county attorney shall make a receipt for the property and be responsible for the property while it is in the county attorney's custody. When the offender is convicted, whoever has custody of the property shall turn it over to the owner.

Sec. 34. **EFFECTIVE DATE.**

This article is effective August 1, 2023."

Amend the title accordingly

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

H.F. No. 24 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
24	30				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 24 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 24, the fourth engrossment; and insert the language after the enacting clause of S.F. No. 30, the third engrossment; further, delete the title of H.F. No. 24, the fourth engrossment; and insert the title of S.F. No. 30, the third engrossment.

And when so amended H.F. No. 24 will be identical to S.F. No. 30, and further recommends that H.F. No. 24 be given its second reading and substituted for S.F. No. 30, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 717 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
717	279				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 717 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 717, the second engrossment; and insert the language after the enacting clause of S.F. No. 279; further, delete the title of H.F. No. 717, the second engrossment; and insert the title of S.F. No. 279.

And when so amended H.F. No. 717 will be identical to S.F. No. 279, and further recommends that H.F. No. 717 be given its second reading and substituted for S.F. No. 279, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1510 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1510	1824				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1510 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1510, the second engrossment; and insert the language after the enacting clause of S.F. No. 1824, the second engrossment; further, delete the title of H.F. No. 1510, the second engrossment; and insert the title of S.F. No. 1824, the second engrossment.

And when so amended H.F. No. 1510 will be identical to S.F. No. 1824, and further recommends that H.F. No. 1510 be given its second reading and substituted for S.F. No. 1824, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1960 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1960	2001				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1960 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1960; and insert the language after the enacting clause of S.F. No. 2001, the first engrossment; further, delete the title of H.F. No. 1960; and insert the title of S.F. No. 2001, the first engrossment.

And when so amended H.F. No. 1960 will be identical to S.F. No. 2001, and further recommends that H.F. No. 1960 be given its second reading and substituted for S.F. No. 2001, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. Nos. 24, 717, 1510, and 1960 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Hoffman, Abeler, Gustafson, and Kunesh introduced--

S.F. No. 3297: A bill for an act relating to capital investment; appropriating money for capital improvements to the Rum River Dam in the city of Anoka; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Seeberger introduced--

S.F. No. 3298: A bill for an act relating to capital investment; appropriating money for a Civil Air Patrol hangar at Lake Elmo Airport.

Referred to the Committee on Capital Investment.

Senators Hoffman, Abeler, Mann, and Fateh introduced--

S.F. No. 3299: A bill for an act relating to human services; establishing coverage of extracorporeal membrane oxygenation cannulation as an outpatient service; amending Minnesota Statutes 2022, section 256B.0625, subdivision 4.

Referred to the Committee on Human Services.

Senators McEwen, Murphy, Dzedzic, Putnam, and Fateh introduced--

S.F. No. 3300: A resolution memorializing Congress that the Legislature of the State of Minnesota reaffirms its ratification of the Child Labor Amendment to the United States Constitution.

Referred to the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Senator Coleman moved that the name of Senator Cwodzinski be added as a co-author to S.F. No. 279. The motion prevailed.

Senators Dzedzic, Johnson, and Champion introduced --

Senate Resolution No. 46: A Senate resolution recognizing Minnesota Senate employees for their years of dedicated service.

WHEREAS, these dedicated employees of the Minnesota Senate have served the State of Minnesota through a career of professional commitment to state government and are deserving of special legislative recognition; and

WHEREAS, the employees being recognized for their years of service with the Minnesota Senate include:

5 YEARS

Bakke, Rachel	Parker, Kevin A.
Brennan, Tom	Reynolds, Jillian
Emmerich, Justin W.	Spiteri, Emily N.
Kline, Tyler	Tschida, Thomas J.
Moorjani, Anna	Wiley, Joey

10 YEARS

Erickson, Andrew	Greenfield, Tim
Fossum, Jason	Lunzer, Bill

15 YEARS

Doyle Fontaine, Carlon	Sondag, Craig
Jackson, Linda A.	

20 YEARS

Broton, Krista	Halek, Loren E.
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25 YEARS

Haavisto, Wendy	Olwell, Stephen
Nauman, Eric L.	

30 YEARS

Cook, Ed

35 YEARS

Raiola, Marvin F.

WHEREAS, the members of the Minnesota Senate value and appreciate the depth of experience and institutional knowledge these individuals have developed and displayed throughout their careers; and

WHEREAS, a ceremony recognizing these employees for their years of service will be held in the Senate Chamber on April 24, 2023; and

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Minnesota that it commends these employees of the Minnesota Senate for their years of dedication and outstanding service to the State of Minnesota.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by the Secretary's signature and that of the Chair of the Senate Rules and Administration Committee, and transmit it to the Office of the Secretary of the Senate for public display.

Senator Boldon moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

RECESS

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

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

President Champion resumed the Chair.

APPOINTMENTS

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

H.F. No. 1830: Senators Murphy, Carlson, Mitchell, Westlin, and Boldon.

H.F. No. 1937: Senators Mitchell, Murphy, and Anderson.

H.F. No. 2073: Senators Fateh, Oumou Verbeten, and Putnam.

H.F. No. 2310: Senators Hawj, Frentz, McEwen, Xiong, and Coleman.

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

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

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

H.F. Nos. 2335, 1826, S.F. Nos. 1384 and 2369.

SPECIAL ORDER

H.F. No. 2335: A bill for an act relating to housing; establishing budget for Minnesota Housing Finance Agency; modifying various housing policy and finance provisions; expanding and establishing certain homeownership, manufactured home, and rent assistance programs; expanding requirements, uses, and amount of housing infrastructure bonds; establishing metropolitan region sales tax; establishing local affordable housing aid; establishing requirements for nonprofit grantees;

requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 82.75, subdivision 8; 297A.99, subdivision 1; 327C.095, subdivisions 12, 13, 16; 462.357, subdivision 1; 462A.05, subdivision 14, by adding subdivisions; 462A.201, subdivision 2; 462A.2035, subdivision 1b; 462A.204, subdivisions 3, 8; 462A.21, subdivision 3b; 462A.22, subdivision 1; 462A.33, subdivision 2, by adding a subdivision; 462A.36, subdivision 4, by adding a subdivision; 462A.37, subdivisions 1, 2, 4, 5, by adding subdivisions; 462A.38, subdivision 1; 462A.39, subdivisions 2, 5; 469.002, subdivision 12, by adding a subdivision; 473.145; 500.20, subdivision 2a; Laws 2021, First Special Session chapter 8, article 1, section 3, subdivision 11; Laws 2023, chapter 20, section 1; proposing coding for new law in Minnesota Statutes, chapters 297A; 462A; 477A.

Senator Draheim moved to amend H.F. No. 2335, as amended pursuant to Rule 45, adopted by the Senate April 24, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 2566.)

Page 22, line 12, after the period, insert "An eligible household may receive rent assistance for no more than 48 months."

Senator Draheim moved to amend the Draheim amendment to H.F. No. 2335 as follows:

Page 1, after line 3, insert:

"Page 7, line 11, delete "more than 24" and insert "no more than 48"

The question was taken on the adoption of the Draheim amendment to the Draheim amendment.

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

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic and Rest.

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

The question was taken on the adoption of the first Draheim amendment.

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

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic and Rest.

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

Senator Draheim moved to amend H.F. No. 2335, as amended pursuant to Rule 45, adopted by the Senate April 24, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 2566.)

Page 18, after line 24, insert:

"Section 1. Minnesota Statutes 2022, section 326B.106, subdivision 1, is amended to read:

Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms

of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall administer and enforce the provisions of those sections.

(b) The commissioner shall develop rules addressing the plan review fee assessed to similar buildings without significant modifications including provisions for use of building systems as specified in the industrial/modular program specified in section 326B.194. Additional plan review fees associated with similar plans must be based on costs commensurate with the direct and indirect costs of the service.

(c) ~~Beginning with the 2018 edition of the model building codes and in 2026 and every six years thereafter, the commissioner shall review the new model building codes and adopt the model codes as amended for use in Minnesota, within two years of the published edition date. The commissioner may not adopt new model building codes or amendments to the building codes prior to the adoption of the new building codes to advance construction methods, technology, or materials, or, where necessary to protect the health, safety, and welfare of the public, or to improve the efficiency or the use of a building 2026, unless approved by law.~~

(d) Notwithstanding paragraph (c), the commissioner shall act on each new model residential energy code and the new model commercial energy code in accordance with federal law for which the United States Department of Energy has issued an affirmative determination in compliance with United States Code, title 42, section 6833. ~~The commissioner may not adopt new energy codes or amendments prior to adoption of to the new energy codes, as amended for use in Minnesota, to advance construction methods, technology, or materials, or, where necessary to protect the health, safety, and welfare of the public, or to improve the efficiency or use of a building unless the commissioner has determined that any increased cost to residential construction or remodeling per unit due to implementation of the proposed changes to the energy codes will be offset within five years by savings resulting from the change.~~

(e) The limitations on adoption of new or amended codes under paragraphs (c) and (d) do not apply to new or amended code changes necessary to protect the immediate health, safety, and welfare of the public.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2020, and applies to rules proposed or adopted but not yet effective as of January 1, 2020."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Abeler	Dornink	Eichorn	Housley	Koran
Anderson	Draheim	Farnsworth	Howe	Kreun
Bahr	Drazkowski	Green	Jasinski	Lang
Coleman	Duckworth	Gruenhagen	Johnson	Lieske

Limmer
Lucero
Mathews

Miller
Nelson
Pratt

Rarick
Rasmusson
Utke

Weber
Wesenberg
Westrom

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

Those who voted in the negative were:

Boldon
Carlson
Champion
Cwodzinski
Dibble
Dziedzic
Fateh

Frentz
Gustafson
Hauschild
Hawj
Hoffman
Klein
Kunesh

Kupec
Latz
Mann
Marty
Maye Quade
McEwen
Mitchell

Mohamed
Morrison
Murphy
Oumou Verbeten
Pappas
Pha
Port

Putnam
Rest
Seeberger
Westlin
Wiklund
Xiong

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, and Rest.

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

Senator Draheim moved to amend H.F. No. 2335, as amended pursuant to Rule 45, adopted by the Senate April 24, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 2566.)

Page 5, line 1, delete "17,750,000" and insert "73,415,000" and delete "17,750,000" and insert "73,415,000"

Page 16, line 28, delete "65,665,000" and insert "10,000,000" and delete "65,665,000" and insert "10,000,000"

Correct the subdivision and section totals and the appropriations by fund

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson
Bahr
Coleman
Dornink
Draheim
Drazkowski

Duckworth
Eichorn
Farnsworth
Green
Gruenhagen
Housley

Howe
Jasinski
Johnson
Koran
Kreun
Lang

Lieske
Limmer
Lucero
Mathews
Miller
Nelson

Pratt
Rarick
Rasmusson
Utke
Wesenberg
Westrom

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

Those who voted in the negative were:

Abeler
Boldon
Carlson
Champion

Cwodzinski
Dibble
Dziedzic
Fateh

Frentz
Gustafson
Hauschild
Hawj

Hoffman
Klein
Kunesh
Kupec

Latz
Mann
Marty
Maye Quade

McEwen
Mitchell
Mohamed

Morrison
Murphy
Oumou Verbeten

Pappas
Pha
Port

Putnam
Rest
Seeberger

Westlin
Wiklund
Xiong

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, and Rest.

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

Senator Lucero moved to amend H.F. No. 2335, as amended pursuant to Rule 45, adopted by the Senate April 24, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 2566.)

Page 23, after line 2, insert:

"Subd. 8. **Policies and procedures.** (a) The commissioner of the Minnesota Housing Finance Agency must:

(1) establish clear and comprehensive written policies and procedures for the program in this section;

(2) design customer service processes that give program administrators, tenants, and landlords access to the program staff who can resolve questions and concerns;

(3) conduct extensive testing of the data systems needed to operate the program to ensure the system works as intended;

(4) establish standards for application processing time and measure the performance of application processors against those standards;

(5) ensure program administrators maintain documentation to verify that program administrators are correctly following program policies and procedures; and

(6) develop comprehensive procedures for recouping overpayments.

(b) Applications may not be accepted until these policies and procedures are in place. Grants may not be issued until all processes and data systems have been tested. The end users of these systems must be involved in the testing process. The commissioner must conduct regular, systematic audits of random samples of cases. Such audits should seek to determine whether program policies and procedures are effective and efficient, and whether application processors are adhering to established standards and making accurate and consistent determinations. Recoupment efforts must begin promptly when an overpayment has been identified."

Senator Lucero moved to amend the Lucero amendment to H.F. No. 2335 as follows:

Page 1, after line 25, insert:

"(c) The commissioner must report to the chairs and ranking members of the legislative committees with jurisdiction over housing finance and policy on the steps taken to meet these requirements. The report must include the standards for application processing time. If the standards

for application processing time change, the commissioner must update the legislature regarding the change, and explain why the change was necessary. One year after the program opens to applications, the commissioner must report to the legislature regarding how successfully the agency has implemented these requirements."

The question was taken on the adoption of the Lucero amendment to the Lucero amendment.

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

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, and Rest.

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

The question was taken on the adoption of the first Lucero amendment.

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

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Boldon	Champion	Dibble	Fateh	Gustafson
Carlson	Cwodzinski	Dziedzic	Frentz	Hauschild

Hawj	Latz	Mitchell	Pappas	Seeberger
Hoffman	Mann	Mohamed	Pha	Westlin
Klein	Marty	Morrison	Port	Wiklund
Kunesh	Maye Quade	Murphy	Putnam	Xiong
Kupec	McEwen	Oumou Verbeten	Rest	

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, and Rest.

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

Senator Housley moved to amend H.F. No. 2335, as amended pursuant to Rule 45, adopted by the Senate April 24, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 2566.)

Page 47, delete section 37 and insert:

"Sec. 37. **FINANCIAL REVIEW OF GRANT AND BUSINESS SUBSIDY RECIPIENTS.**

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

(b) "Grant" means a grant or business subsidy funded by an appropriation in this act.

(c) "Grantee" means a business entity as defined in Minnesota Statutes, section 5.001.

Subd. 2. Financial information required; determination of ability to perform. Before an agency awards a competitive, legislatively named, single-source, or sole-source grant, the agency must assess the risk that a grantee cannot or would not perform the required duties. In making this assessment, the agency must review the following information:

(1) the grantee's history of performing duties similar to those required by the grant, whether the size of the grant requires the grantee to perform services at a significantly increased scale, and whether the size of the grant will require significant changes to the operation of the grantee's organization;

(2) for a grantee that is a nonprofit organization, the grantee's Form 990 or Form 990-EZ filed with the Internal Revenue Service in each of the prior three years. If the grantee has not been in existence long enough or is not required to file Form 990 or Form 990-EZ, the grantee must demonstrate to the grantor's satisfaction that the grantee is exempt and must instead submit the grantee's most recent board-reviewed financial statements and documentation of internal controls;

(3) for a for-profit business, three years of federal and state tax returns, current financial statements, certification that the business is not under bankruptcy proceedings, and disclosure of any liens on its assets. If a business has not been in business long enough to have three years of tax returns, the grantee must demonstrate to the grantor's satisfaction that the grantee has appropriate internal financial controls;

(4) evidence of registration and good standing with the secretary of state under Minnesota Statutes, chapter 317A, or other applicable law;

(5) if the grantee's total annual revenue exceeds \$750,000, the grantee's most recent financial audit performed by an independent third party in accordance with generally accepted accounting principles; and

(6) certification, provided by the grantee, that none of its principals have been convicted of a financial crime.

Subd. 3. **Additional measures for some grantees.** The agency may require additional information and must provide enhanced oversight for grants that have not previously received state or federal grants for similar amounts or similar duties and so have not yet demonstrated the ability to perform the duties required under the grant on the scale required.

Subd. 4. **Assistance from administration.** An agency without adequate resources or experience to perform obligations under this section may contract with the commissioner of administration to perform the agency's duties under this section.

Subd. 5. **Agency authority to not award grant.** If an agency determines that there is an appreciable risk that a grantee receiving a competitive, single-source, or sole-source grant cannot or would not perform the required duties under the grant agreement, the agency must notify the grantee and the commissioner of administration and give the grantee an opportunity to respond to the agency's concerns. If the grantee does not satisfy the agency's concerns within 45 days, the agency must not award the grant.

Subd. 6. **Legislatively named grantees.** If an agency determines that there is an appreciable risk that a grantee receiving a legislatively named grant cannot or would not perform the required duties under the grant agreement, the agency must notify the grantee, the commissioner of administration, and the chair and ranking minority members of the Ways and Means Committee in the house of representatives, the chair and ranking minority members of the Finance Committee in the senate, and the chairs and ranking minority members of the committees in the house of representatives and the senate with primary jurisdiction over the bill in which the money for the grant was appropriated. The agency must give the grantee an opportunity to respond to the agency's concerns. If the grantee does not satisfy the agency's concerns within 45 days, the agency must delay award of the grant until adjournment of the next regular or special legislative session.

Subd. 7. **Subgrants.** If a grantee will disburse the money received from the grant to other organizations to perform duties required under the grant agreement, the agency must be a party to agreements between the grantee and a subgrantee. Before entering agreements for subgrants, the agency must perform the financial review required under this section with respect to the subgrantees.

Subd. 8. **Effect.** The requirements of this section are in addition to other requirements imposed by law; the commissioner of administration under Minnesota Statutes, sections 16B.97 and 16B.98; or agency grant policy."

The motion prevailed. So the amendment was adopted.

Senator Housley moved to amend H.F. No. 2335, as amended pursuant to Rule 45, adopted by the Senate April 24, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 2566.)

Page 48, after line 30, insert:

"Sec. 38. **EMPLOYMENT REPORT.**

By January 15, 2024, the agency must report to the chairs and ranking members of the legislative committees having jurisdiction over housing finance and policy on the number of new full-time equivalent employees required to administer the appropriations and programs authorized under this act, as well as the total costs associated with those new employees."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Lucero moved to amend H.F. No. 2335, as amended pursuant to Rule 45, adopted by the Senate April 24, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 2566.)

Page 18, after line 24, insert:

"Section 1. **[462.3575] LIMITING REGULATIONS ON RESIDENTIAL DEVELOPMENT.**

Subdivision 1. **Limitation on aesthetic mandates.** A municipality shall not condition approval of a building permit, subdivision development, or planned unit development on the use of specific materials, design, or other aesthetic conditions that are not required by the State Building Code under chapter 326B.

Subd. 2. **Limitation on square footage.** A municipality shall not impose a minimum square footage requirement.

Subd. 3. **Exception.** This section shall not apply to a proposed residential development that is to be developed by the municipality itself.

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

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, and Rest.

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

Senator Lucero moved to amend H.F. No. 2335, as amended pursuant to Rule 45, adopted by the Senate April 24, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 2566.)

Page 18, after line 24, insert:

"Section 1. [14.1275] RULES IMPACTING RESIDENTIAL CONSTRUCTION OR REMODELING; LEGISLATIVE NOTICE AND REVIEW.

Subdivision 1. Definition. As used in this section, "residential construction" means the new construction or remodeling of any building subject to the Minnesota Residential Code.

Subd. 2. Impact on housing; agency determination. (a) An agency must determine if implementation of a proposed rule, or any portion of a proposed rule, will, on average, increase the cost of residential construction or remodeling by \$3,000 or more per unit, and whether the proposed rule meets the state regulatory policy objectives described in section 14.002. In calculating the cost of implementing a proposed rule, the agency may consider the impact of other related proposed rules on the overall cost of residential construction. If applicable, the agency may include offsetting savings that may be achieved through implementation of related proposed rules in its calculation under this subdivision.

(b) The agency must make the determination required by paragraph (a) before the close of the hearing record, or before the agency submits the record to the administrative law judge if there is no hearing. Upon request of a party affected by the proposed rule, the administrative law judge must review and approve or disapprove an agency's determination under this subdivision.

Subd. 3. Notice to legislature; legislative approval. (a) If the agency determines that the impact of a proposed rule meets or exceeds the cost threshold provided in subdivision 2, or if the administrative law judge separately confirms the cost of any portion of a rule exceeds the cost threshold provided in subdivision 2, the agency must notify, in writing, the chair and ranking minority members of the policy committees of the house of representatives and the senate with jurisdiction over the subject matter of the proposed rule within ten days of the determination.

(b) If a committee of either the house of representatives or senate with jurisdiction over the subject matter of the proposed rule or a portion of the rule votes to advise an agency that the rule should not be adopted as proposed, the agency may not adopt the rule unless the rule is approved by a law enacted after the vote of the committee. Section 14.126, subdivision 2, applies to a vote of a committee under this subdivision.

Subd. 4. **Severability.** If the agency or an administrative law judge determines that part of a proposed rule meets or exceeds the threshold provided in subdivision 2, but that a severable portion of the proposed rule does not meet or exceed that threshold, the agency may proceed to adopt the severable portions of the proposed rule regardless of whether a legislative committee vote is conducted under subdivision 3.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, and Rest.

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

Senator Lucero moved to amend H.F. No. 2335, as amended pursuant to Rule 45, adopted by the Senate April 24, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 2566.)

Page 48, after line 30, insert:

"ARTICLE 3

MUNICIPAL DEDICATION FEES

Section 1. Minnesota Statutes 2022, section 462.358, subdivision 2b, is amended to read:

Subd. 2b. **Dedication.** (a) The regulations may require that a reasonable portion of the buildable land, as defined by municipal ordinance, of any proposed subdivision be dedicated to the public or preserved for public use as streets, roads, sidewalks, sewers, electric, gas, and water facilities, stormwater drainage and holding areas or ponds and similar utilities and improvements, parks, recreational facilities as defined in section 471.191, playgrounds, trails, wetlands, or open space. The requirement must be imposed by ordinance or under the procedures established in section 462.353, subdivision 4a.

(b) If a municipality adopts the ordinance or proceeds under section 462.353, subdivision 4a, as required by paragraph (a), the municipality must adopt a capital improvement budget and have a parks and open space plan or have a parks, trails, and open space component in its comprehensive plan subject to the terms and conditions in this paragraph and paragraphs (c) to (i).

(c) The municipality may choose to accept a cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision, based on the average fair market value of the unplatted land for which park fees have not already been paid that is, no later than at the time of final approval or under the city's adopted comprehensive plan, to be served by municipal sanitary sewer and water service or community septic and private well as authorized by state law. For purposes of redevelopment on developed land, the municipality may choose to accept a cash fee based on fair market value of the land no later than the time of final approval. "Fair market value" means the value of the land as determined by the municipality annually based on tax valuation or other relevant data. If the municipality's calculation of valuation is objected to by the applicant, then the value shall be as negotiated between the municipality and the applicant, or based on the market value as determined by the municipality based on an independent appraisal of land in a same or similar land use category.

(d) In establishing the portion to be dedicated or preserved or the cash fee, the regulations shall give due consideration to the open space, recreational, or common areas and facilities open to the public that the applicant proposes to reserve for the subdivision.

(e) The municipality must reasonably determine that it will need to acquire that portion of land for the purposes stated in this subdivision as a result of approval of the subdivision.

(f) Cash payments received must be placed by the municipality in a special fund to be used only for the purposes for which the money was obtained. The municipality must maintain records detailing the purposes for which the money was obtained and the manner in which the municipality spent the money to further those purposes. The municipality must make the records readily available to the applicant upon request.

(g) Cash payments received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on

the approved park systems plan. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space. The municipality must maintain records demonstrating the manner in which the municipality used each cash payment.

(h) The municipality must not deny the approval of a subdivision based solely on an inadequate supply of parks, open spaces, trails, or recreational facilities within the municipality.

(i) Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots.

(j) The municipality may accept a combination of buildable land and cash fees to satisfy the municipality's dedication requirements set by ordinance pursuant to this subdivision or the procedures established in section 462.353, subdivision 4a. The municipality may require buildable land, cash fees, or a combination of both, to be dedicated for the purposes described in paragraph (a), the total value of which must not exceed ten percent of the fair market value of the proposed subdivision. Land in the proposed subdivision that is not buildable may be dedicated, and the value of that land is not factored into the ten percent limit on the total value of the dedication. Land in the proposed subdivision that is dedicated because of its current or potential use for regional trails applies to the ten percent limit on the total value of the dedication unless the land is already dedicated for street, road, or right-of-way purposes.

(k) The municipality must not require a dedication of land for streets, roads, or right-of-way to a width that exceeds the minimum engineering standards for urban roadways, as adopted in administrative rules by the commissioner of transportation for the municipal state-aid street system, as provided under sections 162.09, subdivision 1, and 162.155.

(l) A dedication of land for a street that is not a collector or arterial street must not exceed the amount of land required to construct the street with a curb-to-curb width of 32 feet and associated utilities and sidewalks, if sidewalks are included in the plan for the proposed subdivision. The municipality must apply guidance established by national traffic engineering organizations when designing these streets."

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, and Rest.

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

Senator Lucero moved to amend H.F. No. 2335, as amended pursuant to Rule 45, adopted by the Senate April 24, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 2566.)

Page 11, line 33, delete "100,000,000" and insert "30,000,000"

Page 12, line 1, delete everything after "appropriation"

Page 12, delete lines 2 and 3

Page 12, line 4, delete "\$30,000,000"

Correct the subdivision and section totals and the appropriations by fund

Page 39, delete section 28

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Lucero moved to amend the sixth Lucero amendment to H.F. No. 2335 as follows:

Page 1, after line 7, insert:

"Page 17, after line 15, insert:

**"Subd. 31. Nursing Home Construction, Renovation,
and Operations**

70,000,000

0

(a) This appropriation is for grants to counties for nursing home construction, renovation, and to cover costs needed for nursing homes to operate effectively. Costs may include but are not limited to building

operating expenses such as front desk, tenant service coordination, revenue shortfall, and security costs. These funds may be capitalized as part of development costs. Funds may be provided to support existing nursing homes or to cover costs associated with new nursing homes.

(b) Grants may be used to create partnerships with the health care sector and other sectors to demonstrate sustainable ways to provide services for nursing home residents, improve access to health care, and reduce the use of expensive emergency and institutional care. This may be done in partnership with other state agencies, including the Department of Health and the Department of Human Services.

(c) The following counties are eligible for grants under this subdivision: Anoka; Becker; Benton; Blue Earth; Clay; Cook; Dakota; Hennepin; Koochiching; Lake; Nicollet; Ramsey; Saint Louis; Sherburne; Stearns; and Washington."

Renumber the subdivisions in sequence"

Senator Klein questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Lucero appealed the decision of the President.

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

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Frentz cast the affirmative vote on behalf of the following Senators: Dziedzic and Rest.

Those who voted in the negative were:

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

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

So the decision of the President was sustained.

Senator Lucero moved to amend the sixth Lucero amendment to H.F. No. 2335 as follows:

Page 1, after line 7, insert:

"Page 17, after line 15, insert:

**"Subd. 31. Nursing Home Construction, Renovation,
and Operations**

70,000,000

0

(a) This appropriation is for grants to counties for nursing home construction, renovation, and to cover costs needed for nursing homes to operate effectively. Costs may include but are not limited to building operating expenses such as front desk, tenant service coordination, revenue shortfall, and security costs. These funds may be capitalized as part of development costs. Funds may be provided to support existing nursing homes or to cover costs associated with new nursing homes.

(b) Grants may be used to create partnerships with the health care sector and other sectors to demonstrate sustainable ways to provide services for nursing home residents, improve access to health care, and reduce the use of expensive emergency and institutional care. This may be done in partnership with other state agencies, including the Department of Health and the Department of Human Services.

(c) In awarding grants under this subdivision, the commissioner must balance grant awards so that funding is distributed to all counties within and outside the metropolitan area."

Renumber the subdivisions in sequence"

Senator Klein questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Lucero appealed the decision of the President.

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

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Frentz cast the affirmative vote on behalf of the following Senators: Dziedzic and Rest.

Those who voted in the negative were:

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

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

So the decision of the President was sustained.

The question was taken on the adoption of the sixth Lucero amendment.

The roll was called, and there were yeas 10 and nays 56, as follows:

Those who voted in the affirmative were:

Anderson	Gruenhagen	Limmer	Rarick	Wesenberg
Drazkowski	Howe	Lucero	Utke	Westrom

Those who voted in the negative were:

Bahr	Dornink	Green	Klein	Mann
Boldon	Draheim	Gustafson	Koran	Marty
Carlson	Duckworth	Hauschild	Kreun	Mathews
Champion	Dziedzic	Hawj	Kunesh	Maye Quade
Coleman	Eichorn	Hoffman	Kupec	McEwen
Cwodzinski	Farnsworth	Housley	Lang	Miller
Dahms	Fateh	Jasinski	Latz	Mitchell
Dibble	Frentz	Johnson	Lieske	Mohamed

Morrison	Pappas	Putnam	Weber
Murphy	Pha	Rasmusson	Westlin
Nelson	Port	Rest	Wiklund
Oumou Verbeten	Pratt	Seeberger	Xiong

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic and Rest.

Pursuant to Rule 40, Senator Rasmusson cast the negative vote on behalf of the following Senators: Lang and Lieske.

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

Senator Rasmusson moved to amend H.F. No. 2335, as amended pursuant to Rule 45, adopted by the Senate April 24, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 2566.)

Page 48, after line 30, insert:

"Sec. 38. RESTRICTIONS ON FUNDING.

Except for rental assistance programs, no statutory or home rule charter city, county, town, or local public housing authority may receive any funding from the Minnesota Housing Finance Agency if it has enacted rent control."

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Lang and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziezic and Rest.

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

Senator Drazkowski moved to amend H.F. No. 2335, as amended pursuant to Rule 45, adopted by the Senate April 24, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 2566.)

Page 48, after line 30, insert:

"Sec. 38. **FUNDING INELIGIBILITY.**

Anyone indicted or charged with fraud related to the RentHelpMN program or Feeding Our Futures is not eligible for any funding under this bill."

Amend the title accordingly

Senator Drazkowski moved to amend the Drazkowski amendment to H.F. No. 2335 as follows:

Page 1, line 6, after "fraud" insert "or suspected of committing fraud"

The question was taken on the adoption of the Drazkowski amendment to the Drazkowski amendment.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Lang and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziezic and Rest.

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

The question was taken on the adoption of the first Drazkowski amendment.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Lang and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, Putnam, and Rest.

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

H.F. No. 2335 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 39 and nays 28, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Frentz cast the affirmative vote on behalf of the following Senators: Dziedzic, Fateh, and Rest.

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

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the negative vote on behalf of the following Senators: Lang and Lieske.

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

SPECIAL ORDER

H.F. No. 1826: A bill for an act relating to state government; designating the state fire museum; making provisions for legislative day, legislative reports, legislative provisions, Executive Council, data practices, state civil service, ADA coordinators, and notary; defining appointing authority; providing changes covering state agencies, legislative salary council, and MMB accounting system; clarifying capital asset preservation; establishing the Office of Collaboration and Dispute Resolution and the Office of Enterprise Sustainability; changing certain state procurement provisions; making changes to state personnel management; requiring provisions for disability recruitment, hiring, and advancement; requiring accessibility standards; changing Board of Regents provisions; changing provisions for civil marriages, holidays, Mississippi River Parkway Commission, certain closed meetings proceedings, and service worker standards; changing certain information technology and cybersecurity provisions; making local government provision changes; establishing the Ramsey County and Anoka County Library Advisory Boards; establishing the construction manager at risk method of project delivery; allowing managed natural landscapes; allowing municipal hotel licensing; requiring reporting of buildings that do not have sprinkler systems; implementing the Municipal Building Commission dissolution; requiring reports; amending Minnesota Statutes 2022, sections 3.011; 3.012; 3.195, subdivision 1; 3.303, subdivision 6; 3.855, subdivisions 2, 3, 5; 3.888, subdivision 5, by adding subdivisions; 9.031, subdivision 3; 13.04, subdivision 4; 13D.02, subdivision 1; 15.0597, subdivisions 1, 4, 5, 6; 15.066, by adding a subdivision; 15A.0825, subdivisions 1, 2, 3, 4; 16A.055, by adding a subdivision; 16A.15, subdivision 3; 16A.632, subdivision 2; 16B.307, subdivision 1; 16B.33, subdivisions 1, 3, 3a, by adding a subdivision; 16B.58, by adding a subdivision; 16C.10, subdivision 2; 16C.251; 16C.32, subdivision 1; 16C.36; 16E.01, subdivisions 1a, 3, by adding a subdivision; 16E.016; 16E.03, subdivisions 2, 4a, by adding a subdivision; 43A.01, subdivision 2; 43A.02, by adding subdivisions; 43A.04, subdivisions 1a, 4, 7; 43A.06, subdivision 1; 43A.09; 43A.10, subdivisions 2a, 7; 43A.14; 43A.15, subdivision 14, by adding a subdivision; 43A.17, by adding a subdivision; 43A.18, subdivisions 1, 9; 43A.19, subdivision 1; 43A.191; 43A.21, subdivisions 1, 2, 3, by adding a subdivision; 43A.36, subdivision 1; 43A.421; 118A.09, subdivisions 1, 2, 3; 137.0245, subdivision 2, by adding a subdivision; 138.081, subdivision 3; 138.665, subdivision 2; 161.1419, subdivision 2; 179A.22, subdivision 4; 351.01, subdivision 2; 357.17; 359.04; 364.021; 364.06, subdivision 1; 383B.145, by adding a subdivision; 471.345, by adding a subdivision; 473.606, subdivision 5; 473.704, subdivision 3; 507.0945; 517.04; 645.44, subdivision 5, as amended; proposing coding for new law in Minnesota Statutes, chapters 1; 16B; 43A; 118A; 134; 359; 383B; 412; 471; repealing Minnesota Statutes 2022, sections 15.0395; 16B.24, subdivision 13; 16E.0466, subdivision 2; 43A.17, subdivision 9; 136F.03; 179.90; 179.91; 383B.143, subdivisions 2, 3; 383B.75; 383B.751; 383B.752; 383B.753; 383B.754.

Senator Murphy moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 16, delete section 26

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Koran moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Pages 2 to 27, delete sections 3 to 5, 34 to 36, and 44

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Abeler, Lang, and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Boldon cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, Frentz, and Rest.

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

Senator Hawj moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 10, after line 19, insert:

"Sec. 17. Minnesota Statutes 2022, section 10.5805, is amended to read:

10.5805 HMONG SPECIAL GUERRILLA UNITS REMEMBRANCE DAY.

(a) May 14 of each year is designated as Hmong Special Guerrilla Units Remembrance Day in honor of Southeast Asians, Americans, and their allies who served, suffered, sacrificed, or died in the Secret War in Laos during the Vietnam War in the years 1961 to 1975 in support of the armed forces of the United States, and in recognition of the significance of May 14, 1975, the last day that the overall American-trained Hmong command structure over the Special Guerrilla Units in Laos was operational. At least 35,000 Hmong Special Guerrilla soldiers lost their lives protecting trapped, lost, or captured American soldiers and pilots in Laos and Vietnam. One-half of the Hmong population in Laos perished as a result of the American Secret War in Laos. Ethnic Hmong men, women, and children in Laos faced persecution and forced reeducation in seminar camps after their American support ended. Despite the tremendous cost and sacrifices in the war, the Hmong remain proud to stand by the values of freedom and justice that America symbolizes. Those who survived escaped to western countries to start a new life. Each year, the governor shall issue a proclamation honoring the observance.

(b) Schools are encouraged to offer instruction about Hmong history or read the passage under paragraph (a) to students in honor of this day on May 14 or, if May 14 falls on a Saturday or Sunday, on the Friday preceding May 14.

(c) Businesses may close in honor of this day and an employee may request the day off in observance.

(d) The governor shall order the American and the Minnesota flags flown on the grounds of the Capitol Area to be flown at half-staff on May 14. Local governments, private businesses, and public and private schools are encouraged to fly American and Minnesota flags at half-staff on May 14."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Carlson moved to amend the Hawj amendment to H.F. No. 1826 as follows:

Page 1, lines 26 and 28, delete "American" and insert "United States"

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

The question recurred on the adoption of the Hawj amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Cwodzinski moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 11, line 32, delete everything after "effective" and insert "January 1, 2027."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Boldon cast the affirmative vote on behalf of the following Senators: Dziedzic, Fateh, Frentz, Port, Rest, and Westlin.

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Abeler, Lang, and Lieske.

The motion prevailed. So the amendment was adopted.

Senator Anderson moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 27, line 13, before "The" insert "The commissioner must notify the chairs and ranking minority members of the committees in the house of representatives and the senate with primary jurisdiction over state government finance when the commissioner begins negotiations with each exclusive representative."

The motion prevailed. So the amendment was adopted.

Senator Drazkowski moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 10, after line 19, insert:

"Sec. 17. Minnesota Statutes 2022, section 10A.15, is amended by adding a subdivision to read:

Subd. 8. **Prohibited contributions.** A labor organization that represents public employees in the state must not make a contribution or offer or agree to make a contribution directly or indirectly, of any money, property, free service, or thing of monetary value to a candidate for governor or lieutenant governor. A political party or party unit that receives a contribution from a labor organization must not use the contribution to make a contribution to a candidate for governor or lieutenant governor or use the contribution in any way that benefits a candidate for governor or lieutenant governor. For purposes of this section, a labor organization includes any bargaining unit or subset of the organization."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Abeler, Lang, and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, Maye Quade, Port, Rest, Westlin, and Xiong.

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

Senator Bahr moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 2, line 29, after the period, insert "The commission shall submit to the chair of the commission any negotiated collective bargaining agreement that provides step increases of more

than 2.5 percent for legislative approval or disapproval within five days of the date of approval by the commissioner or the date of approval by the affected state employees, whichever occurs later."

Page 2, line 31, reinstate the stricken language

Page 3, lines 2 and 3, reinstate the stricken language

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Lang and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Boldon, Dziedzic, Fateh, Maye Quade, Port, Rest, Westlin, and Xiong.

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

Senator Howe moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 17, line 5, delete everything after "fee" and insert ". The commissioner shall set the service fee to cover the electricity costs for charging an electric vehicle and for the administrative costs associated with providing electric charging stations."

The motion prevailed. So the amendment was adopted.

Senator Anderson moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 2, line 14, delete everything after "after" and insert "approved by"

Page 2, line 15, delete everything before the first "the"

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Lang and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Boldon, Dziedzic, Maye Quade, Port, Rest, Westlin, and Xiong.

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

Senator Drazkowski moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 16, delete section 26

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 58 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Cwodzinski	Drazkowski	Farnsworth	Gruenhagen
Bahr	Dahms	Duckworth	Fateh	Gustafson
Boldon	Dornink	Dziedzic	Frentz	Hoffman
Carlson	Draheim	Eichorn	Green	Housley

Jasinski	Lieske	Miller	Port	Weber
Johnson	Limmer	Mohamed	Pratt	Wesenberg
Klein	Lucero	Morrison	Putnam	Westlin
Koran	Mann	Murphy	Rarick	Westrom
Kreun	Marty	Nelson	Rasmusson	Wiklund
Kupec	Mathews	Oumou Verbeten	Rest	Xiong
Lang	Maye Quade	Pappas	Seeberger	
Latz	McEwen	Pha	Utke	

Pursuant to Rule 40, Senator Frentz cast the affirmative vote on behalf of the following Senators: Dziedzic, Maye Quade, Port, Rest, and Xiong.

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Housley, Lang, and Lieske.

Those who voted in the negative were:

Abeler	Coleman	Hauschild	Kunesh
Champion	Dibble	Hawj	Mitchell

The motion prevailed. So the amendment was adopted.

Senator Bahr moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 11, after line 26, insert:

"Sec. 18. Minnesota Statutes 2022, section 15.0395, is amended to read:

15.0395 INTERAGENCY AGREEMENTS AND INTRA-AGENCY TRANSFERS.

(a) By October 15, 2018, and annually thereafter, the head of each agency must provide reports to the chairs and ranking minority members of the legislative committees with jurisdiction over the department or agency's budget on:

(1) each interagency agreements agreement or service-level agreements and agreement, including any renewals renewal or extensions extension of an existing interagency or service-level agreements agreement with another agency if the cumulative value of those agreements between two agencies is more than \$100,000 in the previous fiscal year; and

(2) transfers of appropriations between accounts within or between agencies, if the cumulative value of the transfers is more than \$100,000 in the previous fiscal year.

The report must include the statutory citation authorizing the agreement, transfer or dollar amount, purpose, ~~and the effective date of the agreement, and the duration of the agreement, and a copy of the agreement.~~ Interagency agreements and service-level agreements that authorize enterprise central services and transfers specifically required by statute or session law are not required to be reported under this section.

(b) As used in this section, "agency" includes the departments of the state listed in section 15.01, a multimember state agency in the executive branch described in section 15.012, paragraph (a), the Department of Information Technology Services, and the Office of Higher Education."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Bahr moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 11, delete section 18

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Housley, Lang, and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Maye Quade, Port, Rest, and Xiong.

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

Senator Anderson moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 38, after line 12, insert:

"(b) "Benefits" means all of the health insurance, health savings, sick leave, vacation time, deferred compensation, retirement benefits, Public Employees Retirement Association benefits, and all other employee benefits, monies, balances, accounts, allowances, accruals, and credits of the Municipal Building Commission employees."

Page 38, line 13, delete "(b)" and insert "(c)"

Page 38, line 16, delete "(c)" and insert "(d)"

Page 38, line 18, delete "(d)" and insert "(e)"

Page 38, after line 19, insert:

"(f) "Municipal Building Commission employees" means all employees of the Municipal Building Commission including employees represented by unions and employees not represented by unions."

"(g) "Representatives of the Municipal Building Commission employees" means the person or entity selected by each Municipal Building Commission employee to represent that employee pursuant to subdivision 6, paragraph (b)."

Page 38, line 20, delete "(e)" and insert "(h)" and after "including" insert "the agreement between the city of Minneapolis, Hennepin County, and representatives of the Municipal Building Commission employees required by subdivision 6, paragraph (b), and "

Page 38, after line 29, insert:

"Subd. 4. **Continued employment of Municipal Building Commission employees.** Notwithstanding any other law or home rule charter provision to the contrary, immediately upon the full execution of the transactional documents, all Municipal Building Commission employees shall be employees of the city of Minneapolis or Hennepin County, employed in equivalent positions at their current salaries and wages with all of their current benefits, and shall continue to have all rights, remedies, and privileges under Minnesota Statutes, section 383B.751."

Page 39, after line 12, insert:

"Subd. 7. **Ongoing statutory rights of Municipal Building Commission employees.** Notwithstanding any other law or home rule charter provision to the contrary, this section shall not be construed to invalidate the rights, remedies, and privileges of the Municipal Building Commission employees under Minnesota Statutes, section 383B.751."

Renumber the subdivisions in sequence

Page 39, line 28, after the period, insert "Section 17, paragraph (b), is effective on the day section 15 is effective."

The motion prevailed. So the amendment was adopted.

Senator Howe moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 23, after line 12, insert:

"Sec. 35. Minnesota Statutes 2022, section 43A.17, is amended by adding a subdivision to read:

Subd. 13. **Compensation for law enforcement officers.** (a) For purposes of this subdivision, the term "law enforcement officers" means Minnesota State Patrol troopers, Bureau of Criminal Apprehension agents, special agents in the gambling enforcement division of the Department of Public Safety, conservation officers, Department of Corrections fugitive specialists, and Department of Commerce insurance fraud specialists.

(b) When the commissioner of management and budget negotiates a collective bargaining agreement establishing compensation for law enforcement officers, the commissioner must use compensation based on compensation data from the most recent salary and benefits survey conducted pursuant to section 299D.03, subdivision 2a. It is the legislature's intent that the information in this study be used to compare salaries between the identified police departments and the State Patrol and to make appropriate increases to patrol trooper salaries.

EFFECTIVE DATE; APPLICATION. This section is effective the day following final enactment and expires January 1, 2032. This section applies to contracts entered into on or after the effective date but before January 1, 2032."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 40 and nays 22, as follows:

Those who voted in the affirmative were:

Abeler	Duckworth	Hawj	Kupec	Putnam
Anderson	Eichorn	Housley	Lang	Rarick
Bahr	Farnsworth	Howe	Lieske	Rasmusson
Coleman	Frentz	Jasinski	Lucero	Seeberger
Dahms	Green	Johnson	Mathews	Utke
Dornink	Gruenhagen	Klein	Miller	Weber
Draheim	Gustafson	Koran	Nelson	Wesenberg
Drazkowski	Hauschild	Kreun	Pratt	Westrom

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Housley, Lang, and Lieske.

Those who voted in the negative were:

Boldon	Dibble	Latz	McEwen	Murphy
Carlson	Fateh	Mann	Mitchell	Oumou Verbeten
Champion	Hoffman	Marty	Mohamed	Pappas
Cwodzinski	Kunesh	Maye Quade	Morrison	Pha

Westlin

Wiklund

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senator: Maye Quade.

The motion prevailed. So the amendment was adopted.

Senator Bahr moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 24, after line 4, insert:

"Sec. 37. Minnesota Statutes 2022, section 43A.18, is amended by adding a subdivision to read:

Subd. 10. **Term of contracts.** To be valid, a collective bargaining agreement or compensation plan listed in this section, must have a term that concludes December 31 of odd-numbered years.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Housley, Jasinski, Lang, and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Maye Quade, Port, Rest, and Xiong.

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

Senator Koran moved to amend H.F. No. 1826, as amended pursuant to Rule 45, adopted by the Senate April 20, 2023, as follows:

(The text of the amended House File is identical to S.F. No. 1424.)

Page 37, delete section 14

Page 39, delete section 17 and insert:

"Sec. 16. **REPEALER.**

Minnesota Statutes 2022, sections 383B.75; 383B.751; 383B.752; 383B.753; and 383B.754, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Housley, Jasinski, Lang, and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Maye Quade, Port, Rest, and Xiong.

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

H.F. No. 1826 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 35 and nays 31, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Frentz cast the affirmative vote on behalf of the following Senators: Dziedzic, Maye Quade, Port, Rest, and Xiong.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the negative vote on behalf of the following Senators: Housley, Jasinski, Lang, and Lieske.

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

SPECIAL ORDER

S.F. No. 1384: A bill for an act relating to state government; modifying labor policy provisions; modifying building codes, occupational safety and health, and employment law; amending Minnesota Statutes 2022, sections 13.43, subdivision 6; 120A.414, subdivision 2; 122A.181, subdivision 5; 122A.26, subdivision 2; 122A.40, subdivision 5; 122A.41, subdivision 2; 177.27, subdivision 4; 177.42, subdivision 2; 179A.03, subdivisions 14, 18, 19; 179A.06, subdivision 6; 179A.07, subdivisions 1, 6, by adding subdivisions; 179A.12, subdivisions 6, 11, by adding a subdivision; 181.03, subdivision 6; 181.06, subdivision 2; 181.172; 181.275, subdivision 1; 181.932, subdivision 1; 181.939; 181.940, subdivisions 2, 3; 181.941, subdivision 3; 181.9413; 181.942; 181.9436; 181.945, subdivision 3; 181.9456, subdivision 3; 181.956, subdivision 5; 181.964; 182.659, subdivisions 1, 8; 182.66, by adding a subdivision; 182.661, by adding a subdivision; 182.676; 326B.093, subdivision 4; 326B.106, by adding a subdivision; 326B.163, subdivision 5, by adding a subdivision; 326B.164, subdivision 13; 326B.31, subdivision 30; 326B.32, subdivision 1; 326B.36, subdivision 7, by adding a subdivision; 326B.805, subdivision 6; 326B.921, subdivision 8; 326B.925, subdivision 1; 326B.988; 572B.17; proposing coding for new law in Minnesota Statutes, chapters 16A; 181; 327; repealing Minnesota Statutes 2022, section 179A.12, subdivision 2.

Senator Dornink moved to amend S.F. No. 1384 as follows:

Page 14, lines 17 and 32, delete "July 1, 2023" and insert "January 1, 2024"

Page 15, line 29, delete "July 1, 2023" and insert "January 1, 2024"

Page 16, line 16, delete "July 1, 2023" and insert "January 1, 2024"

Page 18, line 23, delete "July 1, 2023" and insert "January 1, 2024"

Page 20, lines 16 and 27, delete "July 1, 2023" and insert "January 1, 2024"

Page 21, lines 4 and 9, delete "July 1, 2023" and insert "January 1, 2024"

Page 22, line 18, delete "July 1, 2023" and insert "January 1, 2024"

Page 23, lines 14, 21, and 26, delete "July 1, 2023" and insert "January 1, 2024"

Page 24, lines 1, 7, and 13, delete "July 1, 2023" and insert "January 1, 2024"

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Housley, Jasinski, Lang, and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Maye Quade, Port, Rest, and Xiong.

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

Senator McEwen moved to amend S.F. No. 1384 as follows:

Page 10, line 5, delete "class sizes" and insert "adult-to-student ratios in classrooms"

Page 10, line 26, after "employer" insert ", including any reasonable attorney fees and litigation costs,"

Page 11, line 26, delete "ten" and insert "20"

Page 12, line 8, delete "ten" and insert "20"

Page 13, line 2, after "operations" insert "and the exclusive representative complies with worksite security protocols established by the public employer"

Page 17, line 16, after "information" insert ", or requiring employee attendance at meetings and other events,"

Page 17, line 25, delete "the day following final enactment" and insert "August 1, 2023, and applies to causes of action accruing on or after that date"

Page 24, line 28, after the period, insert "When a provision in an existing contract violates this section, the franchisee must provide notice to their employees of this law."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 37 and nays 29, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Frentz cast the affirmative vote on behalf of the following Senators: Dziedzic, Maye Quade, Port, Rest, and Xiong.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the negative vote on behalf of the following Senators: Housley, Jasinski, Lang, and Lieske.

The motion prevailed. So the amendment was adopted.

Senator Drazkowski moved to amend S.F. No. 1384 as follows:

Page 24, delete lines 27 to 28

Page 25, line 8, after "enactment" insert "and applies to franchise agreements entered into or amended on or after that date"

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Housley, Jasinski, Lang, and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Maye Quade, Port, Rest, and Xiong.

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

Senator Dornink moved to amend S.F. No. 1384 as follows:

Page 25, line 32, after the second "employer's" insert "business"

Page 26, line 4, after the period, insert "An employer's home address, if collected as part of the data in a citation under this section, is private data."

Senator Dornink request division of his amendment as follows:

First portion:

Page 25, line 32, after the second "employer's" insert "business"

The question was taken on the adoption of the first portion of the Dornink amendment. The motion prevailed. So the first portion of the amendment was adopted.

Second portion:

Page 26, line 4, after the period, insert "An employer's home address, if collected as part of the data in a citation under this section, is private data."

The question was taken on the adoption of the second portion of the Dornink amendment.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Housley, Jasinski, Lang, and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Dziedzic, Maye Quade, Port, Rest, and Xiong.

The motion did not prevail. So the second portion of the amendment was not adopted.

Senator Rarick moved to amend S.F. No. 1384 as follows:

Page 9, delete section 12

Page 11, delete section 14

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 32, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Housley, Jasinski, Lang, and Lieske.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Boldon, Dziedzic, Latz, Maye Quade, Port, Rest, Westlin, and Xiong.

The motion prevailed. So the amendment was adopted.

Senator Rarick moved to amend S.F. No. 1384 as follows:

Page 3, delete sections 3, 4, and 5

Page 4, delete section 6

Page 5, delete section 7

Page 7, delete section 10

Page 9, delete section 11

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Rarick moved to amend the second Rarick amendment to S.F. No. 1384 as follows:

Page 1, delete line 5

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

The question recurred on the adoption of the second Rarick amendment, as amended.

The roll was called, and there were yeas 32 and nays 35, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Housley, Jasinski, Lang, and Lieske.

Those who voted in the negative were:

Abeler	Carlson	Cwodzinski	Dziedzic	Frentz
Boldon	Champion	Dibble	Fateh	Gustafson

Hauschild	Kupec	McEwen	Oumou Verbeten	Rest
Hawj	Latz	Mitchell	Pappas	Seeberger
Hoffman	Mann	Mohamed	Pha	Westlin
Klein	Marty	Morrison	Port	Wiklund
Kunesh	Maye Quade	Murphy	Putnam	Xiong

Pursuant to Rule 40, Senator Frenz cast the negative vote on behalf of the following Senators: Boldon, Dziedzic, Latz, Maye Quade, Port, Rest, and Xiong.

The motion did not prevail. So the second Rarick amendment, as amended, was not adopted.

S.F. No. 1384 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 36 and nays 30, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Frenz cast the affirmative vote on behalf of the following Senators: Boldon, Dziedzic, Latz, Maye Quade, Port, Rest, and Xiong.

Those who voted in the negative were:

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

Pursuant to Rule 40, Senator Rasmusson cast the negative vote on behalf of the following Senators: Housley, Jasinski, Lang, and Lieske.

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

President Champion called Senator Klein to preside.

SPECIAL ORDER

S.F. No. 2369: A bill for an act relating to economic development; modifying economic development policy provisions; creating an account; modifying unemployment appeal periods; amending Minnesota Statutes 2022, sections 116J.552, subdivisions 4, 6; 116L.04, subdivision 1a; 116L.17, subdivision 1; 116U.25; 268.043; 268.051, subdivision 6; 268.053, subdivision 2; 268.0625, subdivision 4; 268.063; 268.064, subdivision 2; 268.065, subdivision 3; 268.07, subdivision 3a; 268.101, subdivisions 2, 4; 268.105, subdivisions 1a, 2, 3, 7; 268.18, subdivision 2; 268.183; 268.184, subdivisions 1, 1a; proposing coding for new law in Minnesota Statutes, chapters 116J; 298.

Senator Draheim moved to amend S.F. No. 2369 as follows:

Page 1, delete section 1 and insert:

"Section 1. [116J.015] LEGISLATIVE REVIEW; EXPIRATION OF REPORT MANDATES.

The commissioner shall submit to the chairs and ranking minority members of the legislative committees with jurisdiction over employment and economic development by February 15 of each year, beginning February 15, 2023, the following:

(1) a list of all reports required from the commissioner of employment and economic development to the legislature that are mandated by statute and the enabling legislation does not include a date for the submission of a final report;

(2) a discussion regarding the usefulness of continuation for each report; and

(3) any additional information the commissioner considers appropriate regarding whether the reporting requirement should be set to expire by the legislature.

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2369 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 48 and nays 18, as follows:

Those who voted in the affirmative were:

Abeler	Dziedzic	Kreun	Mitchell	Putnam
Boldon	Farnsworth	Kunesh	Mohamed	Rarick
Carlson	Fatch	Kupec	Morrison	Rest
Champion	Frentz	Lang	Murphy	Seeberger
Coleman	Gustafson	Latz	Nelson	Westlin
Cwodzinski	Hauschild	Mann	Oumou Verbeten	Westrom
Dibble	Hawj	Marty	Pappas	Wiklund
Dornink	Hoffman	Maye Quade	Pha	Xiong
Draheim	Housley	McEwen	Port	
Duckworth	Klein	Miller	Pratt	

Pursuant to Rule 40, Senator Frentz cast the affirmative vote on behalf of the following Senators: Dziedzic, Latz, Maye Quade, Port, Rest, and Xiong.

Pursuant to Rule 40, Senator Rasmusson cast the affirmative vote on behalf of the following Senators: Housley and Lang.

Those who voted in the negative were:

Anderson	Dahms	Green	Howe	Johnson
Bahr	Eichorn	Gruenhagen	Jasinski	Koran

Lieske
Limmer

Lucero
Mathews

Rasmusson
Utke

Weber
Wesenberg

Pursuant to Rule 40, Senator Rasmusson cast the negative vote on behalf of the following Senators: Jasinski and Lieske.

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 100.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted April 25, 2023

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 100: A bill for an act relating to cannabis; establishing the Office of Cannabis Management; establishing advisory councils; requiring reports relating to cannabis use and sales; legalizing and limiting the possession and use of cannabis and certain hemp products by adults; providing for the licensing, inspection, and regulation of cannabis businesses and hemp businesses; requiring testing of cannabis flower, cannabis products, and certain hemp products; requiring labeling of cannabis flower, cannabis products, and certain hemp products; limiting the advertisement of cannabis flower, cannabis products, and cannabis businesses, and hemp businesses; providing for the cultivation of cannabis in private residences; transferring regulatory authority for the medical cannabis program; taxing the sale of cannabis flower, cannabis products, and certain hemp products; establishing grant and loan programs; clarifying the prohibition on operating a motor vehicle while under the influence of certain products and chemicals; amending criminal penalties; establishing expungement procedures for certain individuals; requiring reports on expungements; providing for expungement of certain evictions; clarifying the rights of landlords and tenants regarding use of certain forms of cannabis; establishing labor standards for the use of cannabis flower, cannabis products, and certain hemp products by employees and testing of employees; providing for the temporary regulation of certain edible cannabinoid products; providing for professional licensing protections; providing for local registration of certain cannabis businesses and hemp businesses operating retail establishments; amending the scheduling of marijuana and tetrahydrocannabinols; classifying data; making miscellaneous cannabis-related changes and additions; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2022, sections 13.411,

by adding a subdivision; 13.871, by adding a subdivision; 34A.01, subdivision 4; 144.99, subdivision 1; 144A.4791, subdivision 14; 151.72; 152.01, by adding subdivisions; 152.02, subdivisions 2, 4; 152.021, subdivisions 1, 2; 152.022, subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.024, subdivision 1; 152.025, subdivisions 1, 2; 152.11, subdivision 2; 152.22, by adding subdivisions; 152.29, subdivision 4, by adding a subdivision; 152.30; 152.32; 152.33, subdivision 1; 169A.03, by adding subdivisions; 169A.20, subdivision 1; 169A.31, subdivision 1; 169A.51, subdivisions 1, 4; 169A.72; 175.45, subdivision 1; 181.938, subdivision 2; 181.950, subdivisions 2, 4, 5, 8, 13, by adding a subdivision; 181.951, subdivisions 4, 5, 6, by adding subdivisions; 181.952, by adding a subdivision; 181.953; 181.954; 181.955; 181.957, subdivision 1; 244.05, subdivision 2; 245C.08, subdivision 1; 256.01, subdivision 18c; 256B.0625, subdivision 13d; 256D.024, subdivisions 1, 3; 256J.26, subdivisions 1, 3; 270B.12, by adding a subdivision; 273.13, subdivision 24; 275.025, subdivision 2; 290.0132, subdivision 29; 290.0134, subdivision 19; 297A.61, subdivision 3; 297A.67, subdivisions 2, 7; 297A.70, subdivisions 2, 4, 18; 297A.85; 297D.01; 297D.04; 297D.06; 297D.07; 297D.08; 297D.085; 297D.09, subdivision 1a; 297D.10; 297D.11; 340A.412, subdivision 14; 484.014, subdivision 3; 504B.171, subdivision 1; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2; 609.5311, subdivision 1; 609.5314, subdivision 1; 609.5316, subdivision 2; 609A.01; 609A.03, subdivisions 5, 9; 609B.425, subdivision 2; 609B.435, subdivision 2; 624.712, by adding subdivisions; 624.713, subdivision 1; 624.714, subdivision 6; 624.7142, subdivision 1; 624.7151; proposing coding for new law in Minnesota Statutes, chapters 3; 116J; 116L; 120B; 144; 152; 169A; 270C; 289A; 295; 340A; 504B; 609A; 624; proposing coding for new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes 2022, sections 151.72; 152.027, subdivisions 3, 4; 152.21; 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8, 9, 10, 11, 12, 13, 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, 4; 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, 7; 152.28, subdivisions 1, 2, 3; 152.29, subdivisions 1, 2, 3, 3a, 4; 152.30; 152.31; 152.32, subdivisions 1, 2, 3; 152.33, subdivisions 1, 1a, 2, 3, 4, 5, 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2, 3, 4, 5; 152.37.

Referred to the Committee on Finance.

MEMBERS EXCUSED

Senator Pratt was excused from the Session of today from 1:00 to 1:20 p.m. Senator Dahms was excused from the Session of today from 1:00 to 2:00 p.m. Senator Weber was excused from the Session of today from 1:45 to 2:15 p.m. and from 5:50 to 6:00 p.m. Senator Abeler was excused from the Session of today from 2:25 to 3:35 p.m. Senator Lucero was excused from the Session of today from 4:45 to 5:00 p.m. Senator Limmer was excused from the Session of today from 5:20 to 6:30 p.m. Senator Drazkowski was excused from the Session of today from 8:10 to 8:20 p.m.

ADJOURNMENT

Senator Boldon moved that the Senate do now adjourn until 12:00 noon, Wednesday, April 26, 2023. The motion prevailed.

Thomas S. Bottern, Secretary of the Senate

