

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION — 2014

 ONE HUNDRED SECOND DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 12, 2014

The House of Representatives convened at 11:00 a.m. and was called to order by Paul Thissen, Speaker of the House.

Prayer was offered by the Reverend Paul Rogers, Minneapolis, Minnesota.

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

The roll was called and the following members were present:

Abeler	Dehn, R.	Hausman	Lien	Newton	Selcer
Albright	Dill	Hertaus	Lillie	Nornes	Simon
Allen	Dorholt	Hilstrom	Loeffler	Norton	Simonson
Anderson, M.	Drazkowski	Holberg	Lohmer	O'Driscoll	Slocum
Anderson, P.	Erhardt	Hoppe	Loon	O'Neill	Sundin
Anderson, S.	Erickson, R.	Hornstein	Mack	Paymar	Swedzinski
Anzelc	Erickson, S.	Hortman	Mahoney	Pelowski	Theis
Atkins	Fabian	Howe	Mariani	Peppin	Torkelson
Barrett	Falk	Huntley	Marquart	Persell	Uglen
Beard	Faust	Isaacson	Masin	Petersburg	Urdahl
Benson, J.	Fischer	Johnson, B.	McNamar	Poppe	Wagenius
Benson, M.	Franson	Johnson, C.	McNamara	Pugh	Ward, J.A.
Bernardy	Freiberg	Johnson, S.	Melin	Quam	Ward, J.E.
Bly	Fritz	Kahn	Metsa	Radinovich	Wills
Brynaert	Garofalo	Kelly	Moran	Rosenthal	Winkler
Carlson	Green	Kieffer	Morgan	Runbeck	Woodard
Clark	Gruenhagen	Kresha	Mullery	Sanders	Yarusso
Cornish	Gunther	Laine	Murphy, E.	Savick	Zellers
Daudt	Hackbarth	Leidiger	Murphy, M.	Sawatzky	Zerwas
Davids	Halverson	Lenczewski	Myhra	Schoen	Spk. Thissen
Davnie	Hamilton	Lesch	Nelson	Schomacker	
Dean, M.	Hansen	Liebling	Newberger	Scott	

A quorum was present.

FitzSimmons, Kiel and McDonald were excused.

Dettmer was excused until 1:10 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 1770 and H. F. No. 2167, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Lesch moved that the rules be so far suspended that S. F. No. 1770 be substituted for H. F. No. 2167 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2268 and H. F. No. 2751, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Masin moved that S. F. No. 2268 be substituted for H. F. No. 2751 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2343 and H. F. No. 2945, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Murphy, M., moved that S. F. No. 2343 be substituted for H. F. No. 2945 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 5, 2014

The Honorable Paul Thissen
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Thissen:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State H. F. Nos. 2722, 2853 and 2694.

Sincerely,

MARK DAYTON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Paul Thissen
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2014 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2014</i>	<i>Date Filed 2014</i>
2103		194	4:20 p.m. May 5	May 5
2608		195	4:21 p.m. May 5	May 5
2312		196	4:22 p.m. May 5	May 5
	2722	197	4:22 p.m. May 5	May 5
	2853	198	4:23 p.m. May 5	May 5
	2694	199	4:23 p.m. May 5	May 5

Sincerely,

MARK RITCHIE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 6, 2014

The Honorable Paul Thissen
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Thissen:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State H. F. Nos. 2660, 2668 and 2479.

Sincerely,

MARK DAYTON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Paul Thissen
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2014 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2014</i>	<i>Date Filed 2014</i>
	2660	200	10:08 a.m. May 6	May 6
874		201	10:09 a.m. May 6	May 6
2718		202	10:10 a.m. May 6	May 6
2047		203	10:11 a.m. May 6	May 6
	2668	204	10:12 a.m. May 6	May 6
	2479	205	10:13 a.m. May 6	May 6

Sincerely,

MARK RITCHIE
Secretary of State

SECOND READING OF SENATE BILLS

S. F. Nos. 1770, 2268 and 2343 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Kiel introduced:

H. F. No. 3380, A bill for an act relating to taxation; energy; allowing income tax credits for renewable energy production and energy investment; providing for rulemaking; proposing coding for new law in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Energy Policy.

Hansen; Garofalo; Schoen; Liebling; Metsa; Johnson, S.; Lillie; Mariani; Moran; Bly and Freiberg introduced:

H. F. No. 3381, A bill for an act relating to public safety; permitting terminally ill persons to possess small amounts of marijuana without criminal penalty; proposing coding for new law in Minnesota Statutes, chapter 152.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Kahn, Peppin, Carlson, Nelson and Winkler introduced:

H. F. No. 3382, A bill for an act relating to health; eliminating MNsure exemptions from certain Office of MN.IT Services provisions; amending Minnesota Statutes 2013 Supplement, section 62V.03, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Consumer Protection Finance and Policy.

Murphy, E., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

CALENDAR FOR THE DAY

S. F. No. 1722 was reported to the House.

Erickson, S., moved to amend S. F. No. 1722 as follows:

Page 1, line 12, after "a" insert "licensed"

A roll call was requested and properly seconded.

The question was taken on the Erickson, S., amendment and the roll was called. There were 53 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeler	Barrett	Dean, M.	Garofalo	Hertaus	Kieffer
Albright	Beard	Drazkowski	Green	Hoppe	Kresha
Anderson, M.	Benson, M.	Erickson, S.	Gruenhagen	Howe	Leidiger
Anderson, P.	Cornish	Fabian	Gunther	Johnson, B.	Lohmer
Anderson, S.	Daudt	Franson	Hackbarth	Kelly	Loon

Mack	Nornes	Petersburg	Sanders	Theis	Wills
McNamara	O'Driscoll	Pugh	Schomacker	Torkelson	Woodard
Myhra	O'Neill	Quam	Scott	Uglem	Zerwas
Newberger	Peppin	Runbeck	Swedzinski	Urdahl	

Those who voted in the negative were:

Allen	Dorholt	Hornstein	Loeffler	Nelson	Simonson
Anzelc	Erhardt	Hortman	Mahoney	Newton	Slocum
Atkins	Erickson, R.	Huntley	Mariani	Norton	Sundin
Benson, J.	Falk	Isaacson	Marquart	Paymar	Wagenius
Bernardy	Faust	Johnson, C.	Masin	Persell	Ward, J.A.
Bly	Fischer	Johnson, S.	McNamar	Poppe	Ward, J.E.
Brynaert	Freiberg	Kahn	Melin	Radinovich	Winkler
Carlson	Fritz	Laine	Metsa	Rosenthal	Yarusso
Clark	Halverson	Lenczewski	Moran	Savick	Spk. Thissen
Dauids	Hamilton	Lesch	Morgan	Sawatzky	
Davnie	Hansen	Liebling	Mullery	Schoen	
Dehn, R.	Hausman	Lien	Murphy, E.	Selcer	
Dill	Hilstrom	Lillie	Murphy, M.	Simon	

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

Erickson, S., moved to amend S. F. No. 1722 as follows:

Page 1, line 12, delete "art therapist."

Page 1, line 13, delete "music therapist."

A roll call was requested and properly seconded.

The question was taken on the Erickson, S., amendment and the roll was called. There were 52 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abeler	Daudt	Gunther	Leidiger	O'Neill	Torkelson
Albright	Dean, M.	Hackbarth	Lohmer	Peppin	Uglem
Anderson, M.	Drazkowski	Hertaus	Loon	Petersburg	Urdahl
Anderson, P.	Erickson, S.	Hoppe	Mack	Pugh	Wills
Anderson, S.	Fabian	Howe	McNamara	Quam	Woodard
Barrett	Franson	Johnson, B.	Myhra	Runbeck	Zellers
Beard	Garofalo	Kelly	Newberger	Sanders	Zerwas
Benson, M.	Green	Kieffer	Nornes	Schomacker	
Cornish	Gruenhagen	Kresha	O'Driscoll	Scott	

Those who voted in the negative were:

Allen	Bernardy	Clark	Dill	Falk	Fritz
Anzelc	Bly	Dauids	Dorholt	Faust	Halverson
Atkins	Brynaert	Davnie	Erhardt	Fischer	Hamilton
Benson, J.	Carlson	Dehn, R.	Erickson, R.	Freiberg	Hansen

Hausman	Laine	Marquart	Murphy, M.	Savick	Theis
Hilstrom	Lenczewski	Masin	Nelson	Sawatzky	Wagenius
Hornstein	Lesch	McNamar	Newton	Schoen	Ward, J.A.
Hortman	Liebling	Melin	Norton	Selcer	Ward, J.E.
Huntley	Lien	Metsa	Paymar	Simon	Winkler
Isaacson	Lillie	Moran	Persell	Simonson	Yarusso
Johnson, C.	Loeffler	Morgan	Poppe	Slocum	Spk. Thissen
Johnson, S.	Mahoney	Mullery	Radinovich	Sundin	
Kahn	Mariani	Murphy, E.	Rosenthal	Swedzinski	

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

Pelowski was excused between the hours of 1:00 p.m. and 1:20 p.m.

S. F. No. 1722, A bill for an act relating to education; including additional therapists within the teacher bargaining unit; amending Minnesota Statutes 2012, section 179A.03, subdivision 18.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 76 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Allen	Dill	Hilstrom	Lillie	Murphy, M.	Selcer
Anzelc	Dorholt	Hornstein	Loeffler	Nelson	Simon
Atkins	Erhardt	Hortman	Mahoney	Newton	Simonson
Benson, J.	Erickson, R.	Huntley	Mariani	Norton	Slocum
Bernardy	Falk	Isaacson	Marquart	Paymar	Sundin
Bly	Faust	Johnson, C.	Masin	Pelowski	Wagenius
Brynaert	Fischer	Johnson, S.	McNamar	Persell	Ward, J.A.
Carlson	Freiberg	Kahn	Melin	Poppe	Ward, J.E.
Clark	Fritz	Laine	Metsa	Radinovich	Winkler
Cornish	Halverson	Lenczewski	Moran	Rosenthal	Yarusso
Davids	Hamilton	Lesch	Morgan	Savick	Spk. Thissen
Davnie	Hansen	Liebling	Mullery	Sawatzky	
Dehn, R.	Hausman	Lien	Murphy, E.	Schoen	

Those who voted in the negative were:

Albright	Dettmer	Hackbarth	Leidiger	O'Neill	Swedzinski
Anderson, M.	Drazkowski	Hertaus	Lohmer	Peppin	Theis
Anderson, P.	Erickson, S.	Holberg	Loon	Petersburg	Torkelson
Anderson, S.	Fabian	Hoppe	Mack	Pugh	Uglen
Barrett	Franson	Howe	McNamara	Quam	Wills
Beard	Garofalo	Johnson, B.	Myhra	Runbeck	Woodard
Benson, M.	Green	Kelly	Newberger	Sanders	Zellers
Daudt	Gruenhagen	Kieffer	Nornes	Schomacker	Zerwas
Dean, M.	Gunther	Kresha	O'Driscoll	Scott	

The bill was passed and its title agreed to.

Zellers was excused for the remainder of today's session.

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. No. 2925

A bill for an act relating to public safety; compensating exonerated persons; appropriating money; amending Minnesota Statutes 2012, section 609A.02, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 590; 611.

May 9, 2014

The Honorable Paul Thissen
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

We, the undersigned conferees for H. F. No. 2925 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2925 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **[590.11] ORDER DETERMINING ELIGIBILITY FOR COMPENSATION BASED ON EXONERATION.**

Subdivision 1. **Definition.** For purposes of this section, "exonerated" means that:

(1) a court of this state:

(i) vacated or reversed a judgment of conviction on grounds consistent with innocence and the prosecutor dismissed the charges; or

(ii) ordered a new trial on grounds consistent with innocence and the prosecutor dismissed the charges or the petitioner was found not guilty at the new trial; and

(2) the time for appeal of the order resulting in exoneration has expired or the order has been affirmed and is final.

Subd. 2. **Procedure.** A petition for an order declaring eligibility for compensation based on exoneration under sections 611.362 to 611.368 must be brought before the district court where the original conviction was obtained. The state must be represented by the office of the prosecutor that obtained the conviction or the prosecutor's successor. Within 60 days after the filing of the petition, the prosecutor must respond to the petition. A petition must be brought within two years, but no less than 60 days after the petitioner is exonerated. Persons released from custody after being exonerated before the effective date of this section must commence an action under this section within two years of the effective date.

Subd. 3. **Compensation based on exoneration in the interests of justice.** (a) An individual who is exonerated is eligible for compensation in the interests of justice, if the prosecutor, within 60 days of filing the petition, joins the petition and indicates that it is likely that the original complaint or indictment would not have been filed or sought or

would have been dismissed with the knowledge of all of the circumstances. Joinder and agreement to compensation based on the interests of justice by the prosecutor shall conclusively establish eligibility for compensation precluding any further proceedings under paragraph (b). Upon receipt of prosecutor's joinder and agreement, the court shall issue an order as described in subdivision 7, granting petitioner's eligibility for compensation under this subdivision.

(b) If the prosecutor does not join and agree as provided under paragraph (a), the court shall determine if an individual who is exonerated is eligible for compensation based on the establishment of innocence if the petitioner establishes that a crime was not committed or that the crime was not committed by the petitioner. The petitioner's burden of proof and the procedures set forth in section 590.04, subdivision 3, apply to this proceeding.

Subd. 4. **Evidence.** Court records related to the conviction and the exoneration are admissible in a proceeding under this section. A written statement filed in court or oral statement on the record by the office of the prosecutor that obtained the conviction is admissible to support or refute the petition. The prosecutor may address the prosecutor's decision to dismiss the charges or other information that may not be fully reflected in the proceedings resulting in exoneration. Both the petitioner and the prosecutor have the right to present additional evidence. The court may consider acts by the petitioner that may have contributed to bringing about the conviction and any other offenses that may have been committed by the petitioner in the same behavioral incident, except for those acts contained in subdivision 5, paragraph (c). The victim of the offense has a right to submit an oral or written statement before the court issues its order. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the petition should be granted or denied.

Subd. 5. **Elements.** (a) A claim for compensation arises if a person is eligible for compensation under subdivision 3 and:

(1) the person was convicted of a felony and served any part of the imposed sentence in prison;

(2) in cases where the person was convicted of multiple charges arising out of the same behavioral incident, the person was exonerated for all of those charges;

(3) the person did not commit or induce another person to commit perjury or fabricate evidence to cause or bring about the conviction; and

(4) the person was not serving a term of imprisonment for another crime at the same time, provided that if the person served additional time in prison due to the conviction that is the basis of the claim, the person may make a claim for that portion of time served in prison during which the person was serving no other sentence.

(b) A claimant may make a claim only for that portion of time served in prison during which the claimant was serving no other sentence.

(c) A confession or admission later found to be false or a guilty plea to a crime the claimant did not commit does not constitute bringing about the claimant's conviction for purposes of paragraph (a), clause (3).

Subd. 6. **Hearing.** Unless the petition and the files and records of the proceeding conclusively show that the petitioner is not eligible for compensation, the court shall set a hearing on the petition and response thereto.

Subd. 7. **Order.** If, after considering all the files and records admitted and any evidence admitted at a hearing held pursuant to subdivision 4, the court determines that the petitioner is eligible for compensation, the court shall issue an order containing its findings and, if applicable, indicate the portion of the term of imprisonment for which the petitioner is entitled to make a claim. The court shall notify the petitioner of the right to file a claim for compensation under sections 611.362 to 611.368 and provide the petitioner with a copy of those sections. The petitioner must acknowledge receipt of the notice and a copy of those sections in writing or on the record before the court.

Subd. 8. **Appeal.** An order issued pursuant to subdivision 3, paragraph (b), may be appealed as provided for under section 590.06. The petitioner may not appeal an order granting eligibility pursuant to subdivision 3, paragraph (a).

Sec. 2. Minnesota Statutes 2012, section 609A.02, subdivision 3, is amended to read:

Subd. 3. **Certain criminal proceedings ~~not resulting in conviction~~ resolved in favor of defendant.** (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 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.

(b) 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.

Sec. 3. **[611.362] CLAIM FOR COMPENSATION BASED ON EXONERATION.**

Subdivision 1. **General.** A person who receives an order under section 590.11 determining that the person is entitled to compensation based on exoneration may bring a claim for an award under sections 611.362 to 611.368.

Subd. 2. **Respondent; filing requirement.** The state must be named as the respondent. A claimant shall serve the claim and all documents on the state through the commissioner of management and budget and file the claim with the Supreme Court. The claim must include a copy of the order from the district court under section 590.11, subdivision 7. The state shall respond to the claim within 60 days after service. In all matters under sections 611.362 to 611.368, legal representation for the state shall be provided by either the attorney general or legal counsel for the Department of Management and Budget.

Subd. 3. **Agent for claimant.** If the person entitled to file a claim is incapacitated and incapable of filing the claim or is a minor or nonresident of the state, the claim may be filed on behalf of the claimant by a court-appointed guardian, the parent or guardian of a minor, or an authorized agent.

Subd. 4. **Statute of limitations.** A claimant must commence a claim under this section within 60 days after the date the order was issued under section 590.11, subdivision 7, provided that if the person did not receive the notice required under section 590.11, subdivision 7, the person may commence a claim within three years of that date. An action by the state challenging or appealing the order under section 590.11 tolls the time in which a claim must be commenced.

Sec. 4. **[611.363] COMPENSATION PANEL.**

Subdivision 1. **Appointment.** Within 30 business days after the claim is filed with the Supreme Court, the chief justice of the Supreme Court shall appoint a compensation panel of three attorneys or judges who are responsible for determining the amount of damages to be awarded. Members of the panel must have experience in legal issues involving the settlement of tort claims and the determination of damages.

Subd. 2. **Compensation of panel members.** (a) Members of the panel are entitled to the compensation authorized for members of boards under section 15.0575, subdivision 3.

(b) Consistent with sections 611.362 to 611.368, the panel may establish procedures, rules, and forms for considering claims and awarding damages.

Subd. 3. **Payment of expenses.** The state court administrator shall forward documentation of expenses and administrative costs of the panel to the commissioner of management and budget for payment of those amounts from appropriations available for this purpose.

Sec. 5. [611.364] PREHEARING SETTLEMENTS AND HEARING.

Subdivision 1. **Prehearing settlements.** The panel may set a prehearing settlement conference date. At this conference, the parties must make a good faith attempt to reach a settlement in the case. If the parties agree, they may present the panel with a joint motion for summary disposition and no further hearings are required. If a settlement document is approved by the panel, it has the same effect as an award under section 611.365, for all purposes of that section.

Subd. 2. **Hearing.** (a) If the parties are unable to reach a settlement, the panel must hold an evidentiary hearing to determine the amount of damages to be awarded to the claimant. The panel may consider any evidence and argument submitted by the parties, including affidavits, documentation, and oral and written arguments. The panel is bound by any fact or damage amount established by the stipulation of the parties.

(b) Hearings and records relating to the hearing are open to the public, except where, in the interest of justice, the panel orders a hearing closed or a record sealed.

Sec. 6. [611.365] DAMAGES.

Subdivision 1. **General.** A claimant is entitled to the damages provided for in this section.

Subd. 2. **Reimbursement; monetary damages; attorney fees.** (a) The claimant is entitled to reimbursement for all restitution, assessments, fees, court costs, and other sums paid by the claimant as required by the judgment and sentence. In addition, the claimant is entitled to monetary damages of not less than \$50,000 for each year of imprisonment, and not less than \$25,000 for each year served on supervised release or as a registered predatory offender, to be prorated for partial years served. In calculating monetary damages, the panel shall consider:

(1) economic damages, including reasonable attorney fees, lost wages, reimbursement for costs associated with the claimant's criminal defense;

(2) reimbursement for medical and dental expenses that the claimant already incurred and future unpaid expenses expected to be incurred as a result of the claimant's imprisonment;

(3) noneconomic damages for personal physical injuries or sickness and any nonphysical injuries or sickness incurred as a result of imprisonment;

(4) reimbursement for any tuition and fees paid for each semester successfully completed by the claimant in an educational program or for employment skills and development training, up to the equivalent value of a four-year degree at a public university, and reasonable payment for future unpaid costs for education and training, not to exceed the anticipated cost of a four-year degree at a public university;

(5) reimbursement for paid or unpaid child support payments owed by the claimant that became due, and interest on child support arrearages that accrued, during the time served in prison provided that there shall be no reimbursement for any child support payments already owed before the claimant's incarceration; and

(6) reimbursement for reasonable costs of paid or unpaid reintegrative expenses for immediate services secured by the claimant upon exoneration and release, including housing, transportation and subsistence, reintegrative services, and medical and dental health care costs.

(b) The panel shall award the claimant reasonable attorney fees incurred in bringing a claim under sections 611.362 to 611.368 and in obtaining an order of eligibility for compensation based on exoneration under chapter 590.

Subd. 3. **Limits on damages.** There is no limit on the aggregate amount of damages that may be awarded under this section. Damages that may be awarded under subdivision 2, paragraph (a), clauses (1) and (4) to (6), are limited to \$100,000 per year of imprisonment and \$50,000 per year served on supervised release or as a registered predatory offender.

Subd. 4. **Notice and acceptance of award.** A claimant who is awarded damages under this section must be provided with a written notice of the award, which must include an itemization of the total damage award calculation. A claimant's acceptance of an award, compromise, or settlement must be in writing and is final and conclusive on the claimant.

Subd. 5. **Subsequent damage awards.** Any future damages awarded to the claimant resulting from an action by the claimant against the state or a political subdivision of this state based on the same subject must be offset by the damage award received under this section.

Subd. 6. **No offsets.** The damage award must not be offset by:

(1) any expenses incurred by the state or any political subdivision of the state, including expenses incurred to secure the claimant's custody or to feed, clothe, or provide medical services for the claimant; or

(2) the value of any services or reduction in fees for services, or the value of services to be provided to the claimant that may be awarded to the claimant under this section.

Subd. 7. **Survival of claim.** A pending order issued under section 590.11, subdivision 7, or claim under sections 611.362 to 611.368, survives the death of the petitioner or claimant and the personal representative of the person may be substituted as the claimant or bring a claim.

Sec. 7. **[611.366] JUDICIAL REVIEW.**

A party aggrieved by an award of damages under section 611.365 is entitled to judicial review of the decision as provided in sections 14.63 to 14.69; however, proceedings on a complaint filed under this section are not a contested case within the meaning of chapter 14 and are not otherwise governed by chapter 14.

Sec. 8. **[611.367] COMPENSATING EXONERATED PERSONS; APPROPRIATIONS PROCESS.**

The compensation panel established in section 611.363 shall forward a final award of damages under section 611.365 to the commissioner of management and budget. The commissioner shall submit the amount of the final award to the legislature for consideration during the next session of the legislature.

Sec. 9. **[611.368] SHORT TITLE.**

Sections 611.362 to 611.368 shall be cited as the Imprisonment and Exoneration Remedies Act.

Sec. 10. **APPROPRIATION.**

\$3,000 is appropriated from the general fund for the fiscal year ending June 30, 2015, to the commissioner of management and budget for expenses incurred by the compensation panel described in Minnesota Statutes, section 611.363."

Delete the title and insert:

"A bill for an act relating to public safety; compensating exonerated persons; appropriating money; amending Minnesota Statutes 2012, section 609A.02, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 590; 611."

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

House Conferees: JOHN LESCH, JASON METSA and PEGGY SCOTT.

Senate Conferees: RON LATZ, SCOTT J. NEWMAN and BARB GOODWIN.

Lesch moved that the report of the Conference Committee on H. F. No. 2925 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2925, A bill for an act relating to public safety; compensating exonerated persons; appropriating money; amending Minnesota Statutes 2012, section 609A.02, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 590; 611.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean, M.	Hamilton	Lenczewski	Myhra	Schomacker
Albright	Dehn, R.	Hansen	Lesch	Nelson	Scott
Allen	Dettmer	Hausman	Liebling	Newton	Selcer
Anderson, M.	Dill	Hertaus	Lien	Nornes	Simon
Anderson, P.	Dorholt	Hilstrom	Lillie	Norton	Simonson
Anderson, S.	Drazkowski	Holberg	Loeffler	O'Driscoll	Slocum
Anzelc	Erhardt	Hoppe	Lohmer	O'Neill	Sundin
Atkins	Erickson, R.	Hornstein	Loon	Paymar	Swedzinski
Barrett	Erickson, S.	Hortman	Mack	Pelowski	Theis
Beard	Fabian	Howe	Mahoney	Persell	Torkelson
Benson, J.	Falk	Huntley	Mariani	Petersburg	Uglen
Benson, M.	Faust	Isaacson	Marquart	Poppe	Urdahl
Bernardy	Fischer	Johnson, B.	Masin	Pugh	Wagenius
Bly	Franson	Johnson, C.	McNamar	Quam	Ward, J.A.
Brynaert	Freiberg	Johnson, S.	McNamara	Radinovich	Ward, J.E.
Carlson	Fritz	Kahn	Melin	Rosenthal	Wills
Clark	Garofalo	Kelly	Metsa	Runbeck	Winkler
Cornish	Green	Kieffer	Moran	Sanders	Woodard
Daudt	Gruenhagen	Kresha	Morgan	Savick	Yarusso
Davids	Gunther	Laine	Mullery	Sawatzky	Zerwas
Davnie	Halverson	Leidiger	Murphy, E.	Schoen	Spk. Thissen

Those who voted in the negative were:

Hackbarth Newberger Peppin

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. No. 1851

A bill for an act relating to public safety; enhancing penalties for certain repeat criminal sexual conduct offenders; amending Minnesota Statutes 2012, sections 243.167, subdivision 1; 609.135, subdivision 2; 609.3451, subdivision 3.

May 8, 2014

The Honorable Paul Thissen
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

We, the undersigned conferees for H. F. No. 1851 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1851 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 609.135, subdivision 2, is amended to read:

Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony other than section 609.21, subdivision 1a, paragraph (b) or (c), 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) If the conviction is for a gross misdemeanor violation of section 169A.20 ~~or~~ 609.21, subdivision 1a, paragraph (d), or 609.3451, or for a felony described in section 609.21, subdivision 1a, paragraph (b) or (c), the stay shall be for not more than six 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) If the conviction is for a gross misdemeanor not specified in paragraph (b), the stay shall be for not more than two years.

(d) 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) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall be for not more than one year.

(f) 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), or the defendant has already been discharged.

(g) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), 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) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), 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, 2014, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2012, section 609.3451, is amended to read:

609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.

Subdivision 1. **Crime defined.** A person is guilty of criminal sexual conduct in the fifth degree:

- (1) if the person engages in nonconsensual sexual contact; or
- (2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.

For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i) and (iv), but does not include the intentional touching of the clothing covering the immediate area of the buttocks. Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent.

Subd. 2. **Penalty Gross misdemeanor.** A person convicted under subdivision 1 may be sentenced to imprisonment for not more than one year or to a payment of a fine of not more than \$3,000, or both.

Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment for not more than ~~five~~ seven years or to payment of a fine of not more than ~~\$10,000~~ \$14,000, or both, if the person violates ~~subdivision 1, clause (2), after having been previously convicted of or adjudicated delinquent for~~ this section within seven years of:

(1) a previous conviction for violating subdivision 1, clause (2); a crime described in paragraph (b), or a statute from another state in conformity with any of these offenses; or

(2) the first of two or more previous convictions for violating subdivision 1, clause (1), or a statute from another state in conformity with this offense.

(b) A previous conviction for violating section 609.342, 609.343, 609.344, 609.345, 609.3453, 617.23, subdivision 2, clause (1); or a statute from another state in conformity with subdivision 1, clause (2), or section 617.23, subdivision 2, clause (1) (2), or subdivision 3, or 617.247 may be used to enhance a criminal penalty as provided in paragraph (a).

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to public safety; enhancing penalties for certain repeat criminal sexual conduct offenders; amending Minnesota Statutes 2012, sections 609.135, subdivision 2; 609.3451."

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

House Conferees: ANDREA KIEFFER, MICHAEL PAYMAR and PAUL ROSENTHAL.

Senate Conferees: MATT SCHMIT, SUSAN KENT and KARIN HOUSLEY.

Kieffer moved that the report of the Conference Committee on H. F. No. 1851 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1851, A bill for an act relating to public safety; enhancing penalties for certain repeat criminal sexual conduct offenders; amending Minnesota Statutes 2012, sections 243.167, subdivision 1; 609.135, subdivision 2; 609.3451, subdivision 3.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehn, R.	Hansen	Liebling	Newton	Selcer
Albright	Dettmer	Hausman	Lien	Nornes	Simon
Allen	Dill	Hertaus	Lillie	Norton	Simonson
Anderson, M.	Dorholt	Hilstrom	Loeffler	O'Driscoll	Slocum
Anderson, P.	Drazkowski	Holberg	Lohmer	O'Neill	Sundin
Anderson, S.	Erhardt	Hoppe	Loon	Paymar	Swedzinski
Anzelc	Erickson, R.	Hornstein	Mack	Pelowski	Theis
Atkins	Erickson, S.	Hortman	Mahoney	Peppin	Torkelson
Barrett	Fabian	Howe	Mariani	Persell	Uglen
Beard	Falk	Huntley	Marquart	Petersburg	Urdahl
Benson, J.	Faust	Isaacson	Masin	Poppe	Wagenius
Benson, M.	Fischer	Johnson, B.	McNamar	Pugh	Ward, J.A.
Bernardy	Franson	Johnson, C.	McNamara	Quam	Ward, J.E.
Bly	Freiberg	Johnson, S.	Melin	Radinovich	Wills
Brynaert	Fritz	Kahn	Metsa	Rosenthal	Winkler
Carlson	Garofalo	Kelly	Moran	Runbeck	Woodard
Clark	Green	Kieffer	Morgan	Sanders	Yarusso
Cornish	Gruenhagen	Kresha	Mullery	Savick	Zerwas
Daudt	Gunther	Laine	Murphy, E.	Sawatzky	Spk. Thissen
Davids	Hackbarth	Leidiger	Myhra	Schoen	
Davnie	Halverson	Lenczewski	Nelson	Schomacker	
Dean, M.	Hamilton	Lesch	Newberger	Scott	

The bill was repassed, as amended by Conference, and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES
AND LEGISLATIVE ADMINISTRATION

Murphy, E., from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Wednesday, May 14, 2014 and established a prefiling requirement for amendments offered to the following bills:

S. F. Nos. 2343, 1770 and 2268; and H. F. Nos. 2491 and 2031.

MOTIONS AND RESOLUTIONS

Dill moved that the name of Bernardy be added as an author on H. F. No. 313. The motion prevailed.

Quam moved that the name of Bernardy be added as an author on H. F. No. 422. The motion prevailed.

Hansen moved that the name of Bernardy be added as an author on H. F. No. 581. The motion prevailed.

Wagenius moved that the name of Bernardy be added as an author on H. F. No. 641. The motion prevailed.

Fischer moved that the name of Bernardy be added as an author on H. F. No. 684. The motion prevailed.

Hansen moved that the name of Bernardy be added as an author on H. F. No. 737. The motion prevailed.

Persell moved that the name of Bernardy be added as an author on H. F. No. 1122. The motion prevailed.

Hansen moved that the name of Bernardy be added as an author on H. F. No. 1176. The motion prevailed.

Fischer moved that the name of Bernardy be added as an author on H. F. No. 1329. The motion prevailed.

Hansen moved that the name of Bernardy be added as an author on H. F. No. 1423. The motion prevailed.

Newton moved that the name of Bernardy be added as an author on H. F. No. 1571. The motion prevailed.

Newton moved that the name of Bernardy be added as an author on H. F. No. 1916. The motion prevailed.

Franson moved that the name of Zellers be added as an author on H. F. No. 2641. The motion prevailed.

Newton moved that the name of Bernardy be added as an author on H. F. No. 2813. The motion prevailed.

Laine moved that the names of Dehn, R., and Winkler be added as authors on H. F. No. 2833. The motion prevailed.

Hamilton moved that the name of Zellers be added as an author on H. F. No. 2904. The motion prevailed.

McDonald moved that the name of Runbeck be added as an author on H. F. No. 3371. The motion prevailed.

Nornes moved that the names of Marquart and Green be added as authors on H. F. No. 3379. The motion prevailed.

Nelson moved that S. F. No. 2255 be recalled from the Committee on Education Policy and together with H. F. No. 2319, now on the General Register, be re-referred to the Chief Clerk for comparison. The motion prevailed.

ADJOURNMENT

Murphy, E., moved that when the House adjourns today it adjourn until 10:00 a.m., Tuesday, May 13, 2014. The motion prevailed.

Murphy, E., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Tuesday, May 13, 2014.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives