

STATE OF MINNESOTA

EIGHTY-NINTH SESSION — 2016

 NINETY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 12, 2016

The House of Representatives convened at 9:00 a.m. and was called to order by Tara Mack, Speaker pro tempore.

Prayer was offered by the Reverend Jermaine Ross Allam, Kwanzaa Community Church, Minneapolis, and Oak Grove Presbyterian Church, Bloomington, 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:

Albright	Dean, M.	Hansen	Lien	Nelson	Scott
Allen	Dehn, R.	Hausman	Lillie	Newberger	Selcer
Anderson, C.	Dettmer	Heintzeman	Loeffler	Newton	Simonson
Anderson, P.	Drazkowski	Hertaus	Lohmer	Nornes	Slocum
Anderson, S.	Ecklund	Hilstrom	Loon	Norton	Smith
Anzelc	Erhardt	Hoppe	Loonan	O'Driscoll	Sundin
Applebaum	Erickson	Hornstein	Lucero	O'Neill	Swedzinski
Atkins	Fabian	Hortman	Lueck	Pelowski	Theis
Backer	Fenton	Howe	Mack	Peppin	Thissen
Baker	Fischer	Isaacson	Mahoney	Petersburg	Torkelson
Bennett	Flanagan	Johnson, B.	Marquart	Peterson	Uglen
Bernardy	Franson	Johnson, C.	Masin	Pierson	Urdahl
Bly	Freiberg	Kahn	McDonald	Pinto	Vogel
Carlson	Garofalo	Kelly	McNamara	Poppe	Wagenius
Christensen	Green	Kiel	Metsa	Pugh	Whelan
Clark	Gruenhagen	Knoblach	Miller	Quam	Wills
Considine	Gunther	Koznick	Moran	Rarick	Yarusso
Cornish	Hackbarth	Kresha	Mullery	Rosenthal	Youakim
Daniels	Halverson	Laine	Murphy, E.	Runbeck	Zerwas
Davids	Hamilton	Lesch	Murphy, M.	Sanders	Spk. Daudt
Davnie	Hancock	Liebling	Nash	Schultz	

A quorum was present.

Anderson, M.; Melin and Schomacker were excused.

Schoen was excused until 12:40 p.m. Barrett was excused until 12:50 p.m. Johnson, S., was excused until 1:15 p.m. Ward was excused until 1:25 p.m. Mariani was excused until 2:00 p.m. Persell was excused until 3:20 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. 1075 and H. F. No. 1182, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Anderson, S., moved that S. F. No. 1075 be substituted for H. F. No. 1182 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1440 and H. F. No. 1652, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Baker moved that S. F. No. 1440 be substituted for H. F. No. 1652 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2802 and H. F. No. 2389, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Franson moved that S. F. No. 2802 be substituted for H. F. No. 2389 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2881 and H. F. No. 3276, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Mack moved that S. F. No. 2881 be substituted for H. F. No. 3276 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3047 and H. F. No. 3285, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Davids moved that S. F. No. 3047 be substituted for H. F. No. 3285 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3175 and H. F. No. 3309, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Hoppe moved that S. F. No. 3175 be substituted for H. F. No. 3309 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3368 and H. F. No. 3723, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Drazkowski moved that S. F. No. 3368 be substituted for H. F. No. 3723 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 3959, A bill for an act relating to transportation; authorizing and governing implementation of requirements of the federal REAL ID Act; amending certain requirements governing driver's licenses and Minnesota identification cards; amending certain fees; requiring legislative reporting; requiring rulemaking; appropriating money; amending Minnesota Statutes 2014, sections 171.01, by adding a subdivision; 171.017; 171.06, subdivisions 1, 3, by adding a subdivision; 171.07, subdivisions 1, 3, 4, 9a; 171.072; 171.12, by adding subdivisions; 171.27; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Laws 2009, chapter 92, section 1, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2014, section 171.01, is amended by adding a subdivision to read:

Subd. 41a. **Noncompliant license; noncompliant identification card.** "Noncompliant license," "noncompliant identification card," or "noncompliant license or identification card," means a driver's license or Minnesota identification card issued under section 171.019, subdivision 2, clause (2).

Sec. 2. Minnesota Statutes 2014, section 171.01, is amended by adding a subdivision to read:

Subd. 45b. **REAL ID Act.** "REAL ID Act" means the REAL ID Act of 2005, Public Law 109-13, Division B.

Sec. 3. Minnesota Statutes 2014, section 171.01, is amended by adding a subdivision to read:

Subd. 48b. **Temporary lawful status.** "Temporary lawful status" has the meaning given in Code of Federal Regulations, title 6, section 37.3.

Sec. 4. Minnesota Statutes 2014, section 171.017, is amended to read:

171.017 BACKGROUND INVESTIGATIONS; DEPARTMENT DRIVER'S LICENSE AGENTS AND CERTAIN EMPLOYEES.

Subdivision 1. **Background checks authorized.** The commissioner ~~shall~~ must investigate the criminal history background of any driver's license agent and any current or prospective employees of the department or driver's license agent being considered for any position ~~with the department~~ that has or will have the ability to:

(1) ~~the ability to~~ create or modify records of applicants for identification cards and driver's licenses, including enhanced drivers' licenses under section 171.01, subdivision 31a, or and enhanced identification cards under section 171.01, subdivision 31b;

(2) ~~the ability to~~ issue enhanced drivers' licenses ~~under section 171.01, subdivision 31a,~~ or enhanced identification cards ~~under section 171.01, subdivision 31b;~~ or

(3) ~~the ability to~~ administer knowledge or skills tests under section 171.13 to an applicant for a commercial driver's license.

Subd. 2. **Procedure.** (a) The commissioner must request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all individuals specified in subdivision 1. A request under this section must be accompanied by an executed criminal history consent form, including fingerprints, signed by the agent or the current or prospective employee being investigated.

(b) After receiving a request under paragraph (a), the superintendent of the Bureau of Criminal Apprehension shall perform the background check required under subdivision 1. The superintendent shall retrieve criminal history data as defined in section 13.87, conduct a search of the national criminal records repository, and provide wants and warrant information from federal and state repositories. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall return the results of the background checks to the commissioner to determine whether:

(1) the agent, employee, or applicant for employment specified in subdivision 1, clause (1) or (2), has committed a disqualifying crime under Code of Federal Regulations, title 49, section 1572.103; or

(2) the employee or applicant for employment specified in subdivision 1, clause (3), has a conviction of the type specified by Code of Federal Regulations, title 49, section 384.228(j).

(c) The superintendent shall recover the cost to the bureau of a background check through a fee charged to the commissioner or the driver's license agent, as appropriate, for the person on whom a background check is performed.

Subd. 3. **Notification by other criminal justice agencies.** Criminal justice agencies, as defined by section 13.02, subdivision 3a, shall provide the commissioner with information they possess and that the commissioner requires for the purposes of determining the employment suitability of current or prospective employees subject to this section.

Subd. 4. **Annual background checks in certain instances.** Consistent with Code of Federal Regulations, title 49, section 384.228, the commissioner shall request and the superintendent shall conduct annual background checks for the department employees specified in subdivision 1, clause (3). Annual background checks under this subdivision ~~shall~~ must be performed in a manner consistent with subdivisions 2 and 3.

EFFECTIVE DATE. This section is effective July 1, 2017.

Sec. 5. **[171.019] REAL ID ACT CONFORMITY; LIMITATIONS.**

Subdivision 1. **Definition.** For purposes of this section, "federal change" means an appreciable modification or addition to REAL ID Act requirements, made after the effective date of this act, with respect to: legal requirements; processes; policies and procedures; or data collection, storage, and dissemination. Federal change includes but is not limited to a modification:

(1) in what constitutes an official purpose under Code of Federal Regulations, title 6, part 37;

(2) in the machine-readable technology standards for a license or Minnesota identification card;

(3) in the information provided on the face of the license or Minnesota identification card;

(4) that relates to dissemination of state-provided data to or among federal agencies, other states, organizations operating under agreement among the states, or private entities; and

(5) that imposes an identifiable cost for the state of Minnesota.

Subd. 2. **License and Minnesota identification card options.** The commissioner must:

(1) except as provided in clauses (2) and (3), meet the requirements of the REAL ID Act for licenses and identification cards under this chapter, including but not limited to documentation requirements, administrative processes, electronic validation or verification of data, and card design and marking;

(2) establish a license and Minnesota identification card that does not meet all requirements of the REAL ID Act, as provided in this chapter, including but not limited to section 171.12, subdivision 7b; and

(3) establish an enhanced driver's license or enhanced identification card, as provided in this chapter.

Subd. 3. **Limitations.** Compliance under subdivision 2, clause (1), is limited to those requirements of the REAL ID Act in effect as of the effective date of this act. The commissioner may not take any action to implement or meet the requirements of a federal change.

Subd. 4. **Legislative notification.** (a) Upon identification of an impending or completed federal change, the commissioner must notify the chairs and ranking minority members of the legislative committees having jurisdiction over transportation policy and finance, public safety, and data practices, and the Legislative Commission on Data Practices and Personal Data Privacy. Notification must be submitted as required under section 3.195, except that printed copies are not required.

(b) Notification under this subdivision must include a review of the federal change, an initial analysis of data practices impacts, and any preliminary estimates of implementation costs, including the availability of additional federal funds.

Subd. 5. **Statutory construction.** (a) Unless specifically provided otherwise, a driver's license, instruction permit, or provisional license includes any noncompliant license. Unless specifically provided otherwise, a Minnesota identification card includes any noncompliant identification card.

(b) A noncompliant license does not include an enhanced driver's license, and a noncompliant identification card does not include an enhanced identification card.

Sec. 6. Minnesota Statutes 2014, section 171.04, is amended by adding a subdivision to read:

Subd. 5. **Temporary lawful admission.** The commissioner must not issue a driver's license or Minnesota identification card to an applicant whose lawful temporary admission period, as demonstrated under section 171.06, subdivision 3, paragraph (b), expires within 30 days of the date of the application.

Sec. 7. Minnesota Statutes 2014, section 171.06, subdivision 1, is amended to read:

~~Subdivision 1. **Forms of Application format and requirements.** (a) Every application for a Minnesota identification card, ~~for including an enhanced identification card, or for a driver's license including for an instruction permit, for a provisional license, for a driver's license, or for and an enhanced driver's license,~~ must be made in a format approved by the department, ~~and~~. Every application must be accompanied by payment of the proper fee. ~~All first time applications and change of status applications must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public. All applications requiring evidence of legal presence in the United States or United States citizenship~~~~

(b) All applicants must sign the application and declare, under penalty of perjury, that the information presented in the application is true and correct. The application must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public.

Sec. 8. Minnesota Statutes 2014, section 171.06, subdivision 3, is amended to read:

Subd. 3. **Contents of application; other information.** (a) An application must:

(1) state the full name, date of birth, sex, and either (i) the residence address of the applicant, or (ii) designated address under section 5B.05;

(2) as may be required by the commissioner, contain a description of the applicant and any other facts pertaining to the applicant, the applicant's driving privileges, and the applicant's ability to operate a motor vehicle with safety;

(3) state:

(i) the applicant's Social Security number; or

(ii) if the applicant does not have a Social Security number and is applying for a Minnesota identification card, instruction permit, or class D provisional or driver's license, that the applicant ~~certifies~~ verifies that the applicant ~~does not have~~ is not eligible for a Social Security number;

~~(4) in the case of an application for an enhanced driver's license or enhanced identification card, present:~~

~~(i) proof satisfactory to the commissioner of the applicant's full legal name, United States citizenship, identity, date of birth, Social Security number, and residence address; and~~

~~(ii) a photographic identity document;~~

~~(5) contain a space where the applicant may indicate a desire to make an anatomical gift according to paragraph (b);~~

~~(6) (4) contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7; and~~

~~(7) (5) contain a space spaces where the applicant may:~~

~~(i) request a veteran designation on the license under section 171.07, subdivision 15, and the driving record under section 171.12, subdivision 5a;~~

~~(ii) indicate a desire to make an anatomical gift under paragraph (d); and~~

~~(iii) as applicable, designate document retention as provided under section 171.12, subdivision 3c.~~

~~(b) All applications must be accompanied by satisfactory evidence demonstrating the applicant's:~~

~~(1) identity, date of birth, and Social Security number, or related documentation as applicable;~~

~~(2) principal residence address in Minnesota, including application for a renewal or change of address, unless the applicant provides a designated address under section 5B.05; and~~

~~(3) lawful status, as defined in Code of Federal Regulations, title 6, section 37.3.~~

~~(c) An application for an enhanced driver's license or enhanced identification card must be accompanied by:~~

~~(1) satisfactory evidence demonstrating the applicant's full legal name and United States citizenship; and~~

~~(2) a photographic identity document.~~

~~(b)~~ (d) If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application must contain statements sufficient to comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift Act, chapter 525A, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application must be accompanied by information describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

(1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and

(2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

~~(c)~~ (e) The application must be accompanied also by information containing relevant facts relating to:

(1) the effect of alcohol on driving ability;

(2) the effect of mixing alcohol with drugs;

(3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and

(4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 9. Minnesota Statutes 2014, section 171.06, is amended by adding a subdivision to read:

Subd. 3b. Information for applicants. (a) The commissioner must develop summary information on identity document options and must ensure distribution of the information to all driver's license and Minnesota identification card applicants.

(b) The summary information must include the following information, expressed in a clear and concise manner:

(1) a listing of each available type of driver's license and Minnesota identification card, including a noncompliant license or identification card, an enhanced driver's license, and an enhanced identification card;

(2) the official purposes of and limitations on use for each type of driver's license and Minnesota identification card;

(3) an overview of data shared outside the state, including through electronic validation or verification systems, as part of application and issuance of each type; and

(4) a statement notifying applicants that a driver's license or Minnesota identification card that meets the requirements of the REAL ID Act is not mandatory.

(c) An applicant for a noncompliant license or identification card must sign an acknowledgment of understanding of the limitations on its use.

Sec. 10. **[171.0605] EVIDENCE OF IDENTITY AND LAWFUL PRESENCE.**

Subdivision 1. Scope and application. This section only applies for application and issuance of driver's licenses and Minnesota identification cards that meet the requirements of the REAL ID Act. Except as otherwise provided under this section, the requirements of Minnesota Rules, chapter 7410, or successor rules, apply.

Subd. 2. Evidence; identity; date of birth. (a) Only the following is satisfactory evidence under section 171.06, subdivision 3, paragraph (b), of an applicant's identity and date of birth:

(1) a driver's license or identification card that (i) complies with the requirements of the REAL ID Act, (ii) is not designated as temporary or limited term, and (iii) is current or has been expired for five years or less;

(2) a valid, unexpired United States passport issued by the United States Department of State;

(3) a certified copy of a birth certificate issued by a government bureau of vital statistics or equivalent agency in the applicant's state of birth, which must bear the raised or authorized seal of the issuing government entity;

(4) a consular report of birth abroad, certification of report of birth, or certification of birth abroad, issued by the United States Department of State, Form FS-240, DS-1350, or FS-545;

(5) a valid, unexpired permanent resident card issued by the United States Department of Homeland Security or the former Immigration and Naturalization Service of the United States Department of Justice, Form I-551;

(6) a certificate of naturalization issued by the United States Department of Homeland Security, Form N-550 or Form N-570;

(7) a certificate of citizenship issued by the United States Department of Homeland Security, Form N-560 or Form N-56;

(8) an unexpired employment authorization document issued by the United States Department of Homeland Security, Form I-766 or Form I-688B;

(9) an unexpired passport that is not issued by a state and a valid, unexpired United States visa accompanied by documentation of the applicant's most recent lawful admittance into the United States; or

(10) a document as designated by the United States Department of Homeland Security under Code of Federal Regulations, title 6, part 37.11(c)(1)(x).

(b) A document under paragraph (a) must be legible and unaltered.

(c) A primary or secondary document under Minnesota Rules, part 7410.0400, is not satisfactory evidence unless provided under paragraph (a).

Subd. 3. Evidence; lawful status. Only a form of documentation identified under subdivision 2 is satisfactory evidence under section 171.06, subdivision 3, paragraph (b), of an applicant's lawful status.

Subd. 4. Evidence; Social Security number. The following is satisfactory evidence under section 171.06, subdivision 3, paragraph (b), of an applicant's Social Security number or related documentation:

(1) a Social Security card;

(2) if a Social Security card is not available:

(i) a federal Form W-2;

(ii) a federal Form SSA-1099 or other federal Form 1099 having the applicant's Social Security number; or

(iii) a computer-printed United States employment pay stub with the applicant's name, address, and Social Security number; or

(3) for an applicant who provides a passport under subdivision 2, paragraph (a), clause (9), documentation demonstrating nonwork authorized status.

Subd. 5. Evidence; residence in Minnesota. Two forms of documentation from among the following are satisfactory evidence under section 171.06, subdivision 3, paragraph (b), of an applicant's principal residence address in Minnesota:

(1) a home utility services bill issued no more than 90 days before the application, provided that the commissioner must not accept a United States home utility bill if two unrelated people are listed on the bill;

(2) a home utility services hook-up work order issued no more than 90 days before the application, provided that the commissioner must not accept a home utility services hook-up work order if two unrelated people are listed on the work order;

(3) United States financial information issued no more than 90 days before the application, with account numbers redacted, including:

(i) a bank account statement;

(ii) a canceled check; or

(iii) a credit card statement;

(4) a United States high school identification card with a certified transcript from the school, if issued no more than 180 days before the application;

(5) a Minnesota college or university identification card with a certified transcript from the college or university, if issued no more than 180 days before the application;

(6) an employment pay stub issued no more than 90 days before the application that lists the employer's name, address, and telephone number;

(7) a Minnesota unemployment insurance benefit statement issued no more than 90 days before the application;

(8) an assisted living or nursing home statement issued no more than 90 days before the application;

(9) a life, health, automobile, homeowner's, or renter's insurance policy issued no more than 90 days before the application, provided that the commissioner must not accept a proof of insurance card;

(10) a federal or state income tax return or statement for the most recent tax filing year;

(11) a Minnesota property tax statement for the current year that shows the applicant's principal residential address both on the mailing portion and the portion stating what property is being taxed;

(12) a Minnesota vehicle certificate of title, if issued no more than 12 months before the application;

(13) a filed property deed or title for current residence, if issued no more than 12 months before the application;

(14) a Supplemental Security Income award statement issued no more than 12 months before the application;

(15) mortgage documents for the applicant's principal residence;

(16) a residential lease agreement for the applicant's principal residence issued no more than 12 months before the application;

(17) a valid driver's license, including an instruction permit, issued under this chapter;

(18) a valid Minnesota identification card;

(19) an unexpired Minnesota professional license;

(20) an unexpired Selective Service card; or

(21) military orders that are still in effect at the time of application.

(b) A document under paragraph (a) must include the applicant's name and an address in Minnesota.

Subd. 6. **Exceptions process.** The commissioner must not grant a variance from the requirements of this section under Minnesota Rules, part 7410.0600, for an applicant having a lawful temporary admission period.

Sec. 11. Minnesota Statutes 2014, section 171.07, subdivision 1, is amended to read:

Subdivision 1. **License; contents and design.** (a) Upon the payment of the required fee, the department shall issue to every qualifying applicant a license designating the type or class of vehicles the applicant is authorized to drive as applied for. This license must bear: (1) a distinguishing number assigned to the licensee; (2) the licensee's full name and date of birth; (3) either ~~(4) (i)~~ the licensee's residence address, or ~~(2) (ii)~~ the designated address under section 5B.05; (4) a description of the licensee in a manner as the commissioner deems necessary; and ~~(5) the usual signature of the licensee; and (6) designations and markings as provided in this section.~~ No license is valid unless it bears the usual signature of the licensee. Every license must bear a colored photograph or an electronically produced image of the licensee.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the license, then the applicant shall provide verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

(c) Every license issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

~~(d) The department shall use processes in issuing a license that prohibit, as nearly as possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a photograph or electronically produced image on a license, without ready detection.~~

(e) A license issued to an applicant age 65 or over must be plainly marked "senior" if requested by the applicant.

(e) A license must bear a distinguishing indicator for compliance with requirements of the REAL ID Act, as determined by the commissioner.

(f) A license issued to a person with temporary lawful status must be marked "temporary" on the face and in the machine-readable portion of the license.

(g) A license must display the licensee's full name or no fewer than 39 characters of the name, with any truncation as necessary, beginning with the last character of the middle name and proceeding through the second letter of the middle name, followed by the last character of the first name and proceeding through the second letter of the first name.

Sec. 12. Minnesota Statutes 2014, section 171.07, is amended by adding a subdivision to read:

Subd. 1c. **Design for noncompliant licenses or identification cards.** A noncompliant license or identification card must:

(1) be printed with "Not for Federal Purposes" on the face;

(2) meet the requirements under Code of Federal Regulations, title 6, section 37.71; and

(3) not bear a distinguishing indicator under subdivision 1, paragraph (e), or subdivision 3, paragraph (e).

Sec. 13. Minnesota Statutes 2014, section 171.07, subdivision 3, is amended to read:

Subd. 3. **Identification card; content and design; fee.** (a) Upon payment of the required fee, the department shall issue to every qualifying applicant a Minnesota identification card. The department may not issue a Minnesota identification card to an individual who has a driver's license, other than a limited license. The department may not issue an enhanced identification card to an individual who is under 16 years of age, not a resident of this state, or not a citizen of the United States of America. The card must bear: (1) a distinguishing number assigned to the applicant; (2) a colored photograph or an electronically produced image of the applicant; (3) the applicant's full name and date of birth; (4) either ~~(i)~~ (i) the licensee's residence address, or ~~(ii)~~ (ii) the designated address under section 5B.05; (5) a description of the applicant in the manner as the commissioner deems necessary; and ~~(6)~~ (6) the usual signature of the applicant; and (7) designations and markings as provided in this section.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the Minnesota identification card, then the applicant shall provide verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

(c) Each identification card issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(d) Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license."

(e) A Minnesota identification card must bear a distinguishing indicator for compliance with requirements of the REAL ID Act, as determined by the commissioner.

(f) A Minnesota identification card issued to a person with temporary lawful status must be marked "temporary" on the face and in the machine-readable portion of the card.

(g) A Minnesota identification card must display the cardholder's full name or no fewer than 39 characters of the name, with any truncation as necessary, beginning with the last character of the middle name and proceeding through the second letter of the middle name, followed by the last character of the first name and proceeding through the second letter of the first name.

~~(e)~~ (h) The fee for a Minnesota identification card is 50 cents when issued to a person who is developmentally disabled, as defined in section 252A.02, subdivision 2; a physically disabled person, as defined in section 169.345, subdivision 2; or, a person with mental illness, as described in section 245.462, subdivision 20, paragraph (c).

Sec. 14. Minnesota Statutes 2014, section 171.07, subdivision 4, is amended to read:

Subd. 4. **Identification card expiration.** (a) Except as otherwise provided in this subdivision, the expiration date of Minnesota identification cards ~~of for applicants under the age of 65 shall be~~ is the birthday of the applicant in the fourth year following the date of issuance of the card.

~~(b) A Minnesota identification card issued to~~ For an applicant age 65 or older shall be:

(1) the expiration date is the birthday of the applicant in the eighth year following the date of issuance of the card; or

(2) a noncompliant identification card is valid for the lifetime of the applicant, except that.

~~(c)~~ For the purposes of ~~this~~ paragraph (b), "Minnesota identification card" does not include an enhanced identification card issued to an applicant age 65 or older.

~~(e)~~ (d) The expiration date for an Under-21 identification card is the cardholder's 21st birthday. The commissioner shall issue an identification card to a holder of an Under-21 identification card who applies for the card, pays the required fee, and presents proof of identity and age, unless the commissioner determines that the applicant is not qualified for the identification card.

(e) Notwithstanding paragraphs (a) to (d), the expiration date for an identification card issued to a person with temporary lawful status is the last day of the person's legal stay in the United States, or one year after issuance if the last day of the person's legal stay is not identified.

Sec. 15. Minnesota Statutes 2014, section 171.07, subdivision 9a, is amended to read:

Subd. 9a. **Security for ~~enhanced driver's license and identification card~~ features.** ~~An enhanced~~ (a) A driver's license or ~~enhanced~~ identification card must include reasonable security measures to: prevent forgery, alteration, reproduction, and counterfeiting; facilitate detection of fraud; prohibit the ability to superimpose a photograph or electronically produced image; and ~~to~~ protect against unauthorized disclosure of personal information ~~regarding residents of this state that is contained in the enhanced driver's license or enhanced identification card.~~ The ~~enhanced~~ driver's license must include the best available anticounterfeit laminate technology.

The ~~(b)~~ An enhanced driver's license or enhanced identification card may include radio frequency identification technology that is limited to a randomly assigned number, which must be encrypted if agreed to by the United States Department of Homeland Security and does not include biometric data or any information other than the citizenship status of the license holder or cardholder. The commissioner shall ensure that the radio frequency identification technology is secure from unauthorized data access. An applicant must sign an acknowledgment of understanding of the radio frequency identification technology and its use for the sole purpose of verifying United States citizenship before being issued an enhanced driver's license or an enhanced identification card.

Sec. 16. Minnesota Statutes 2014, section 171.071, subdivision 3, is amended to read:

Subd. 3. **Exception Limitations.** Subdivision 1 applies only to a noncompliant license or identification card. Subdivisions 1 and 2 do not apply to the commissioner's requirements pertaining to a photograph or electronically produced image on an enhanced driver's license or an enhanced identification card.

Sec. 17. Minnesota Statutes 2014, section 171.072, is amended to read:

171.072 TRIBAL IDENTIFICATION CARD.

(a) If a Minnesota identification card is deemed an acceptable form of identification in Minnesota Statutes or Rules, a tribal identification card is also an acceptable form of identification. In application for a noncompliant license or identification card, a tribal identification card is a primary document for purposes of Minnesota Rules, part 7410.0400, and successor rules.

(b) For purposes of this section, "tribal identification card" means an unexpired identification card issued by a Minnesota tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the legal name, date of birth, signature, and picture of the enrolled tribal member.

(c) The tribal identification card must contain security features that make it as impervious to alteration as is reasonably practicable in its design and quality of material and technology. The security features must use materials that are not readily available to the general public. The tribal identification card must not be susceptible to reproduction by photocopying or simulation and must be highly resistant to data or photograph substitution and other tampering.

(d) The requirements of this section do not apply to: (1) application for a driver's license or Minnesota identification card under this chapter except as provided in paragraph (a); or (2) tribal identification cards used to prove an individual's residence for purposes of section 201.061, subdivision 3.

Sec. 18. Minnesota Statutes 2014, section 171.12, is amended by adding a subdivision to read:

Subd. 1a. **Driver and vehicle services information system; security and auditing.** (a) The commissioner must establish written procedures to ensure that only individuals explicitly authorized by law may enter, update, or access not public data collected, created, or maintained by the driver and vehicle services information system. An authorized individual's ability to enter, update, or access data in the system must be limited through use of role-based access that corresponds to the official duties or training level of the individual and the statutory authorization granting access for that purpose. All queries and responses, and all actions in which data are entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail. Data contained in the audit trail are public to the extent the data are not otherwise classified by law.

(b) The commissioner must immediately and permanently revoke the authorization of any individual who willfully entered, updated, accessed, shared, or disseminated data in violation of state or federal law. If an individual willfully gained access to data without explicit authorization by law, the commissioner must forward the matter to the county attorney for prosecution.

(c) The commissioner must arrange for an independent biennial audit of the driver and vehicle services information system to determine whether data currently in the system are classified, how the data are used, and to verify compliance with this subdivision. The results of the audit are public. No later than 30 days following completion of the audit, the commissioner must provide a report summarizing the audit results to the commissioner of administration; the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over transportation policy and finance, public safety, and data practices; and the Legislative Commission on Data Practices and Personal Data Privacy. The report must be submitted as required under Minnesota Statutes, section 3.195, except that printed copies are not required.

EFFECTIVE DATE. This section is effective on the date of implementation of the driver's license portion of the Minnesota licensing and registration system. The commissioner shall notify the revisor of statutes regarding the date.

Sec. 19. Minnesota Statutes 2014, section 171.12, is amended by adding a subdivision to read:

Subd. 3c. **Record retention; birth certificates.** (a) If the procedures established by the commissioner for driver's license or Minnesota identification card records include retention of a physical copy or digital image of a birth certificate, the commissioner must:

(1) notify a driver's license or identification card applicant of the retention procedure; and

(2) allow the applicant, licensee, or identification card holder to designate that the applicant, licensee, or identification card holder's birth certificate physical copy or digital image must not be retained.

(b) The commissioner must not retain a birth certificate if directed by an applicant, licensee, or identification card holder under paragraph (a), clause (2), but must record and retain data on the birth certificate required under Code of Federal Regulations, title 6, section 37.31(c).

Sec. 20. Minnesota Statutes 2014, section 171.12, is amended by adding a subdivision to read:

Subd. 7b. **Noncompliant license or identification card.** (a) The commissioner may not, with respect to a noncompliant license or identification card:

(1) electronically disseminate outside the state data that is not disseminated as of the effective date of this act;

(2) utilize any electronic validation or verification system accessible from or maintained outside of the state that is not in use as of the effective date of this act; or

(3) share any data the department maintains under section 171.07, subdivision 13.

(b) The limitations in paragraph (a) do not apply as necessary to maintain compliance with the driver's license compact under section 171.50.

(c) For purposes of this subdivision, "outside the state" includes federal agencies, states other than Minnesota, organizations operating under agreement among the states, and private entities.

Sec. 21. Minnesota Statutes 2014, section 171.27, is amended to read:

171.27 EXPIRATION OF LICENSE; MILITARY EXCEPTION.

(a) ~~Except as otherwise provided in this section, the expiration date for each driver's license, other than under-21 licenses, is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver shall be as indicated on the application for a driver's license. A license may be renewed on or before expiration or within one year after expiration upon application, payment of the required fee, and passing the examination required of all drivers for renewal. Driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license unless the commissioner believes that the licensee is no longer qualified as a driver.~~

(b) The expiration date for each under-21 license shall be the 21st birthday of the licensee. Upon the licensee attaining the age of 21 and upon the application, payment of the required fee, and passing the examination required of all drivers for renewal, a driver's license shall be issued unless the commissioner determines that the licensee is no longer qualified as a driver.

(c) The expiration date for each provisional license is two years after the date of application for the provisional license.

~~(d) Notwithstanding paragraphs (a) to (c), the expiration date for a license issued to a person with temporary lawful status is the last day of the person's legal stay in the United States, or one year after issuance if the last day of the person's legal stay is not identified.~~

~~(e)~~ (e) Any valid Minnesota driver's license issued to a person then or subsequently serving outside Minnesota in active military service, as defined in section 190.05, subdivision 5, in any branch or unit of the armed forces of the United States, or the person's spouse, shall continue in full force and effect without requirement for renewal until the date one year following the service member's separation or discharge from active military service, and until the license holder's birthday in the fourth full year following the person's most recent license renewal or, in the case of a provisional license, until the person's birthday in the third full year following the renewal.

Sec. 22. **REAL ID ACT IMPLEMENTATION.**

Subdivision 1. Definition. For purposes of this section, "REAL ID Act" means the REAL ID Act of 2005, Public Law 109-13, Division B.

Subd. 2. Full implementation and conformity; deadline. The commissioner of public safety must implement the provisions of this act in a manner to ensure full compliance and conformity with the requirements of the REAL ID Act, including the ability to issue fully compliant driver's licenses and Minnesota identification cards, no later than October 1, 2016.

Subd. 3. Mandatory reissuance prohibition. When implementing the REAL ID Act requirements under this act and Minnesota Statutes, chapter 171, the commissioner of public safety is prohibited from requiring renewal or reissuance of a driver's license or Minnesota identification card earlier than required under the regular issuance time period. Nothing in this subdivision prevents suspension, cancellation, or revocation as provided in Minnesota Statutes, chapter 171.

Subd. 4. Legislative reporting. (a) The commissioner of public safety must establish an implementation schedule for meeting the requirements under subdivision 2. The schedule must include monthly implementation activity and milestones. On or before the last business day of each month until full implementation and compliance is achieved, the commissioner must submit a status update that provides details on the implementation schedule, activity and accomplishments since the previous status update, identified risks to implementation, and overall status.

(b) By January 15, 2017, the commissioner of public safety must submit a revision to the report required under Laws 2016, chapter 83, section 2, subdivision 2. At a minimum, the report must provide (1) revised information and analysis for each of the planning activities required for the 2016 report, and (2) implementation status information.

(c) Each implementation status update under paragraph (a) and the report under paragraph (b) must be submitted to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance, public safety, civil law, and data practices, and to the Legislative Commission on Data Practices and Personal Data Privacy. The report must be submitted as required under Minnesota Statutes, section 3.195, except that printed copies are not required.

Sec. 23. **APPROPRIATION.**

\$6,270,000 in fiscal year 2016 is appropriated from the driver services operating account in the special revenue fund to the commissioner of public safety for implementation and conformity with requirements of the REAL ID Act of 2005, Public Law 109-13, Division B, as provided under this act. This is a onetime appropriation.

Sec. 24. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall renumber Minnesota Statutes, section 171.06, subdivision 3, paragraphs (d) and (e), as Minnesota Statutes, section 171.06, subdivision 3b, paragraphs (c) and (d). The revisor shall also make any necessary cross-reference changes consistent with the renumbering.

Sec. 25. **REPEALER.**

Laws 2009, chapter 92, section 1, as amended by Laws 2016, chapter 83, section 1, is repealed.

Sec. 26. **EFFECTIVE DATE.**

Except as specifically provided otherwise, this act is effective the day following final enactment. Sections 1 to 21 apply for application and issuance of driver's licenses and Minnesota identification cards on and after October 1, 2016."

Delete the title and insert:

"A bill for an act relating to transportation; authorizing and governing implementation of requirements of the federal REAL ID Act; amending certain requirements governing driver's licenses and Minnesota identification cards; amending certain fees; requiring legislative reporting; requiring rulemaking; appropriating money; amending Minnesota Statutes 2014, sections 171.01, by adding subdivisions; 171.017; 171.04, by adding a subdivision; 171.06, subdivisions 1, 3, by adding a subdivision; 171.07, subdivisions 1, 3, 4, 9a, by adding a subdivision; 171.071, subdivision 3; 171.072; 171.12, by adding subdivisions; 171.27; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Laws 2009, chapter 92, section 1, as amended."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Scott from the Committee on Civil Law and Data Practices to which was referred:

H. F. No. 3980, A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2014, section 124D.90, subdivision 4.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 8, H. F. No. 3980 was re-referred to the Committee on Rules and Legislative Administration.

Scott from the Committee on Civil Law and Data Practices to which was referred:

H. F. No. 3994, A bill for an act relating to civil actions; recognizing a property right in a person's name, voice, signature, photograph, or likeness; prohibiting unauthorized use; providing remedies; proposing coding for new law as Minnesota Statutes, chapter 564.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[604.25] RIGHT OF PUBLICITY; CAUSE OF ACTION.**

Subdivision 1. Definitions. "Photograph" means a film or digital photograph or photographic reproduction, still or moving, or a videotape or live television transmission.

Subd. 2. Cause of action for right of publicity. (a) A person is liable in a civil action for violating an individual's right of publicity if that person uses another individual or a deceased individual's name, voice, signature, photograph, or likeness, in any manner, without consent from the person or persons consistent with paragraph (b):

(1) on or in products, merchandise, goods, or services;

(2) for purposes of advertising or selling; or

(3) for soliciting purchases of products, merchandise, goods, or services.

(b) A person must have the prior consent of an individual to use their likeness for any of the purposes listed in paragraph (a). When an individual has assigned or licensed their right of publicity, a person must have the consent of the person holding the right of the license or assignment to use their likeness for any of the purposes listed in paragraph (a), which may extend beyond the individual's lifetime when provided for in the license or assignment. In the case of a minor, a person must have the prior consent of a minor's parent or legal guardian. For the purposes of a deceased individual, the person must have the consent of the personal representative, administrator, heir, or devisee of such deceased individual, or an assignee of the rights, consistent with subdivision 4.

(c) For the purposes of this section, the individual in the photograph must be readily identifiable, which means a reasonable person could determine who the individual depicted in the photograph is without using technology to enhance the image.

(d) The individual whose right of publicity is the basis for the action must be domiciled in Minnesota, or have been domiciled in Minnesota, at the time of their death to maintain an action under this section.

Subd. 3. **Damages.** (a) A person who violates subdivision 2, is liable for:

(1) actual damages;

(2) an amount equal to the profits earned through the unauthorized use of an individual or deceased individual's likeness; and

(3) punitive damages consistent with section 549.20.

(b) In determining the amount of profit earned under paragraph (a), clause (2), the injured party shall be required to present proof only of the gross revenue attributable to the use of another's likeness and the burden to prove deductible expenses from that amount shall be on the party defending the action.

(c) A prevailing party in an action under subdivision 2, shall be entitled to reasonable attorneys fees and costs.

Subd. 4. **Injunctive relief.** In an action brought under this section, the court may grant injunctive relief to prevent or restrain the unauthorized use of individual's name, voice, signature, photograph, or likeness, including enjoining a defendant from further creation or distribution of materials that were used to violate an individual or deceased individual's right of publicity.

Subd. 5. **Right of publicity of decedent.** (a) The right of publicity in subdivision 2 is transferable and descendible, in whole or in part, by contract or by means of any governing instrument. The rights recognized under this section shall be deemed to have existed at the time of death of any deceased individual and shall vest in the persons entitled to these property rights under a contract or other governing instrument. For the purposes of this section, "governing instrument" has the meaning given in section 524.1-201, clause (26).

(b) In the absence of an express transfer in a governing instrument consistent with paragraph (a), the deceased individual's rights in his or her name, voice, signature, photograph, or likeness, shall be distributed pursuant to a provision in the governing instrument that provides for the disposition of the residue of the deceased individual's assets, and shall be effective to transfer the rights recognized under this section.

(c) In the absence of a contract or governing document consistent with paragraph (a) or (b), the right of publicity of an individual shall descend to the heirs of the individual pursuant to chapter 524.

(d) The rights provided for in this section are exclusive to the individual, subject to the assignment or licensing of the rights, during the individual's lifetime.

(e) After the death of the individual, the rights provided for in this section are exclusive to the personal representative, trustee, administrator, heirs, devisees, or assignees for a minimum period of 50 years after the death of the individual, however may be maintained for up to 100 years so long as the right has not been abandon. A right of publicity of a decedent is considered abandoned when the personal representative, trustee, administrator, heir, devisee, or assignee has failed to use the right for commercial purposes for two consecutive years after the initial 50-year period following the individual's death.

Subd. 6. **Fair use; exceptions.** A person is not liable under this section when an individual or deceased individual's name, voice, signature, photograph, or likeness is used in connection with media reporting of news, public affairs, sports broadcasting, or commentary and criticism. A person also is not liable under this section when an individual or deceased individual's name, voice, signature, photograph, or likeness is used in the following works

as long as such use does not constitute an advertisement, endorsement, or solicitation for the sale or purchase of another product or service: a play, book, or other literary work; a theatrical work; a musical composition, musical sound recording, or similar musical work; a documentary, film, motion picture, or television program; a single work of original art; or an advertisement or commercial or promotional announcement for any of the permitted uses identified in this subdivision.

Subd. 7. **Commercial sponsorship.** The use of an individual or deceased individual's name, voice, signature, photograph, or likeness is not a violation of subdivision 2 solely because the use of an individual or deceased individual's name, voice, signature, photograph, or likeness appears in the medium that contains commercial sponsorship or paid advertising. It is a question of fact whether or not the use of the complaining individual's or deceased individual's name, voice, signature, photograph or likeness was so directly connected with the commercial sponsorship or with the paid advertising as to constitute a violation of subdivision 2.

Subd. 8. **Immunity; publications.** Owners or employees of a medium of distribution or publication used for advertising, including but not limited to newspapers, magazines, radio and television networks and stations, cable television systems, billboard owners, and transit authorities or organizations, shall not be found liable under this section for the publication or dissemination of an advertisement or solicitation that violates this section, unless the owner or employee had knowledge that the use of the individual or deceased individual's name, voice, signature, photograph, or likeness was unauthorized or without prior consent.

Subd. 9. **Application; chapter 333.** This section applies to an individual otherwise entitled to the protections afforded under chapter 333.

Subd. 10. **Cumulative.** The remedies provided for in this section are cumulative and are in addition to other remedies provided for by law or in equity.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to causes of action brought on or after that date. This section applies to the rights of a deceased individual who was domiciled in Minnesota at the time of their death and who died after August 1, 1966."

Delete the title and insert:

"A bill for an act relating to civil actions; recognizing a property right in a person's name, voice, signature, photograph, or likeness; prohibiting unauthorized use; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 604."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 8, H. F. No. 3994 was re-referred to the Committee on Rules and Legislative Administration.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

S. F. No. 498, A bill for an act relating to data practices; classifying portable recording system data; establishing requirements for the destruction of data; requiring policies; imposing requirements on vendors and providing for damage awards; amending Minnesota Statutes 2014, section 13.82, subdivision 15, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments to the unofficial engrossment:

Page 4, line 16, after "that" insert ", subject to the restriction in subdivision 4, paragraph (b)." and delete "who is not a peace officer and"

Page 5, line 24, after the period, insert "The identity and activities of an on-duty peace officer engaged in an investigation or response to an emergency, incident, or request for service may not be redacted, unless the officer's identity is subject to protection under section 13.82, subdivision 17, clause (a)."

Page 7, line 9, delete everything after the period and insert "If the governing body with jurisdiction over the agency determines that the agency is not complying with this section or other applicable law, the governing body may order additional independent audits."

Page 7, delete lines 10 to 11

Page 7, line 12, delete everything before "Data"

Page 7, delete lines 14 to 21 and insert:

"(b) The results of the audit are public. The governing body with jurisdiction over the law enforcement agency shall review the results of the audit. If the governing body determines that there is a pattern of substantial noncompliance with this section, it must order that operation of all portable recording systems be suspended until the governing body has authorized the agency to reinstate their use. An order of suspension under this paragraph may only be made following review of the results of the audit and review of the applicable provisions of this chapter, and after providing the agency and members of the public a reasonable opportunity to respond to the audit's findings in a public meeting."

Page 7, line 23, delete "commissioner of administration" and insert "governing body with jurisdiction over the law enforcement agency"

Page 8, line 29, after the semicolon, insert "and"

Page 8, line 32, delete "; and" and insert a period

Page 8, delete lines 33 to 35

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 3959 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1075, 1440, 2802, 2881, 3047, 3175, 3368 and 498 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Barrett and McDonald introduced:

H. F. No. 4002, A bill for an act relating to health; waiving the fee for a certified birth record for certain circumstance; amending Minnesota Statutes 2014, section 144.225, subdivision 7.

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

Mahoney, Gunther and Norton introduced:

H. F. No. 4003, A bill for an act relating to economic development; local government; creating an account in the special revenue fund; authorizing commissioner of employment and economic development to award grants to local governments to assemble land for economic development; transferring money; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Barrett and McDonald introduced:

H. F. No. 4004, A bill for an act relating to higher education; appropriating money to the University of Minnesota to modify tuition structure.

The bill was read for the first time and referred to the Committee on Higher Education Policy and Finance.

Hausman and Flanagan introduced:

H. F. No. 4005, A bill for an act relating to employment; providing a phased-in minimum wage increase; enabling low-income workers to meet basic needs; increasing the working family credit to exceed the federal earned income tax credit; providing increased child care assistance to all low-income workers; reestablishing the Minnesota emergency employment development program; reducing welfare costs to taxpayers; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2014, sections 119B.02, subdivisions 1, 2; 119B.03, subdivisions 3, 9, 10; 119B.035, subdivisions 1, 2, 5; 119B.05, subdivision 5; 119B.08, subdivision 3; 119B.09, subdivision 7; 119B.10; 119B.11, subdivision 1; 119B.12, subdivision 2; 119B.13, subdivision 1; 119B.15; 119B.24; 177.24, subdivision 1; Minnesota Statutes 2015 Supplement, sections 119B.035, subdivision 4; 290.0671, subdivision 1; repealing Minnesota Statutes 2014, sections 119B.011, subdivisions 20, 20a; 119B.03, subdivisions 1, 2, 4, 5, 6, 6a, 6b, 8; 119B.05, subdivision 1; 119B.07; 119B.09, subdivisions 3, 4a; 119B.11, subdivision 4; 290.0671, subdivision 7.

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

Bernardy introduced:

H. F. No. 4006, A bill for an act relating to transportation; governing a driver's license agent appointment.

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

The Speaker assumed the Chair.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1474 and 2603.

JOANNE M. ZOFF, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1474, A bill for an act relating to health; modifying licensing requirements for body piercing technicians; amending Minnesota Statutes 2014, sections 146B.01, subdivision 28; 146B.03, subdivisions 4, 6, 7, by adding a subdivision; 146B.07, subdivisions 1, 2.

The bill was read for the first time.

Zerwas moved that S. F. No. 1474 and H. F. No. 1582, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2603, A bill for an act relating to human rights; adding a requirement for closed captioning on televisions in medical facilities; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time.

Daniels moved that S. F. No. 2603 and H. F. No. 2742, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

Peppin 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.

Garofalo was excused between the hours of 12:40 p.m. and 2:10 p.m.

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

CALENDAR FOR THE DAY

H. F. No. 1372 was reported to the House.

Smith moved to amend H. F. No. 1372, the first engrossment, as follows:

Page 14, delete lines 18 to 20 and insert:

"Subdivision 1. **Permitted purposes.** In order to achieve tax objectives that are clearly provided for in the transferor's will, the court may modify the terms of a governing instrument, in a manner that is not contrary to the transferor's probable intention, to ensure that the governing instrument correctly creates an interest:

(1) in which a surviving spouse has a qualifying income interest with respect to which an election has been or will be made in whole or in part under section 2056(b)(7), 2056A, or 2523(f) of the Internal Revenue Code;

(2) which will qualify for the marital deduction under section 2056 or 2056A of the Internal Revenue Code, by election or otherwise;

(3) which will qualify for the charitable deduction under section 2055, 2522, or 642(c) of the Internal Revenue Code;

(4) that is to be excepted, excluded, or exempt from or under chapter 13 (tax on generation skipping transfers) of the Internal Revenue Code; or

(5) in a trust that satisfies the criteria for qualified subchapter S trusts under section 1361(d) of the Internal Revenue Code.

Subd. 2. **May be retroactive.** The court may provide that a modification under this section has retroactive effect."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hilstrom moved to amend H. F. No. 1372, the first engrossment, as amended, as follows:

Page 4, after line 10, insert:

"Sec. 2. **[521A.01] SHORT TITLE.**

This chapter may be cited as the "Revised Uniform Fiduciary Access to Digital Assets Act."

Sec. 3. **[521A.02] DEFINITIONS.**

Subdivision 1. Applicability. The definitions in this section apply to this chapter.

Subd. 2. Account. "Account" means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user.

Subd. 3. Agent. "Agent" means an attorney-in-fact granted authority under a durable or nondurable power of attorney.

Subd. 4. Carries. "Carries" means engages in the transmission of an electronic communication.

Subd. 5. Catalog of electronic communications. "Catalog of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person.

Subd. 6. Conservator. "Conservator" means a person appointed by a court to manage the estate of a living individual. The term includes a limited conservator, or unlimited under section 524.5-401.

Subd. 7. Content of an electronic communication. "Content of an electronic communication" means information concerning the substance or meaning of the communication that:

(1) has been sent or received by a user;

(2) is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and

(3) is not readily accessible to the public.

Subd. 8. Court. "Court" has the meaning given in section 524.1-201, clause (9).

Subd. 9. Custodian. "Custodian" means a person that carries, maintains, processes, receives, or stores a digital asset of a user.

Subd. 10. Designated recipient. "Designated recipient" means a person chosen by a user using an online tool to administer digital assets of the user.

Subd. 11. Digital asset. "Digital asset" means an electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record.

Subd. 12. Electronic. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

Subd. 13. Electronic communication. "Electronic communication" has the meaning given in United States Code, title 18, section 2510(12), as amended.

Subd. 14. Electronic communication service. "Electronic communication service" means a custodian that provides to a user the ability to send or receive an electronic communication.

Subd. 15. Fiduciary. "Fiduciary" means an original, additional, or successor personal representative, conservator, agent, or trustee.

Subd. 16. **Information.** "Information" means data, text, images, videos, sounds, codes, computer programs, software, databases, or similar material.

Subd. 17. **Online tool.** "Online tool" means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.

Subd. 18. **Person.** "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

Subd. 19. **Personal representative.** "Personal representative" has the meaning given in section 524.1-201.

Subd. 20. **Power of attorney.** "Power of attorney" means a record that grants an agent authority to act in the place of a principal, under chapter 523.

Subd. 21. **Principal.** "Principal" means an individual who grants authority to an agent in a power of attorney.

Subd. 22. **Protected person.** "Protected person" means an individual for whom a conservator has been appointed. The term includes an individual for whom an application for the appointment of a conservator is pending.

Subd. 23. **Record.** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Subd. 24. **Remote computing service.** "Remote computing service" means a custodian that provides to a user computer processing services or the storage of digital assets by means of an electronic communications system, as defined in United States Code, title 18, section 2510(14), as amended.

Subd. 25. **Terms-of-service agreement.** "Terms-of-service agreement" means an agreement that controls the relationship between a user and a custodian.

Subd. 26. **Trustee.** "Trustee" means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term includes a successor trustee.

Subd. 27. **User.** "User" means a person that has an account with a custodian.

Subd. 28. **Will.** "Will" includes a codicil, testamentary instrument that only appoints an executor, and an instrument that revokes or revises a testamentary instrument.

Sec. 4. **[521A.03] APPLICABILITY.**

(a) This chapter applies to:

(1) a fiduciary acting under a will or power of attorney;

(2) a personal representative acting for a decedent;

(3) a conservatorship proceeding; and

(4) a trustee acting under a trust.

(b) This chapter applies to a custodian if the user resides in this state or resided in this state at the time of the user's death.

(c) This chapter does not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.

Sec. 5. **[521A.04] USER DIRECTION FOR DISCLOSURE OF DIGITAL ASSETS.**

(a) A user may use an online tool to direct the custodian to disclose to a designated recipient or not to disclose some or all of the user's digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.

(b) If a user has not used an online tool to give direction under paragraph (a) or if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney, or other record disclosure to a fiduciary of some or all of the user's digital assets, including the content of electronic communications sent or received by the user.

(c) A user's direction under paragraph (a) or (b) overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms of service.

Sec. 6. **[521A.05] TERMS-OF-SERVICE AGREEMENT.**

(a) This chapter does not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.

(b) This chapter does not give a fiduciary or designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.

(c) A fiduciary's or designated recipient's access to digital assets may be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction under section 521A.04.

Sec. 7. **[521A.06] PROCEDURE FOR DISCLOSING DIGITAL ASSETS.**

(a) When disclosing digital assets of a user under this chapter, the custodian may, at its sole discretion:

(1) grant a fiduciary or designated recipient full access to the user's account;

(2) grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or

(3) provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.

(b) A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this chapter.

(c) A custodian need not disclose under this chapter a digital asset deleted by a user.

(d) If a user directs or a fiduciary requests a custodian to disclose under this chapter some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose:

- (1) a subset limited by date of the user's digital assets;
- (2) all of the user's digital assets to the fiduciary or designated recipient;
- (3) none of the user's digital assets; or
- (4) all of the user's digital assets to the court for review in chambers.

Sec. 8. **[521A.07] DISCLOSURE OF CONTENT OF ELECTRONIC COMMUNICATIONS OF DECEASED USER.**

If a deceased user consented or a court directs disclosure of the content of an electronic communication of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the representative gives the custodian:

- (1) a written request for disclosure in physical or electronic form;
- (2) a certified copy of the death certificate of the user;
- (3) a certified copy of the letter of appointment of the representative, court order, or Affidavit of Collection of Personal Property executed under section 524.3-1201;
- (4) unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications; and
- (5) if requested by the custodian:
 - (i) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
 - (ii) evidence linking the account to the user; or
 - (iii) a finding by the court that:
 - (A) the user had a specific account with the custodian, identifiable by the information specified in item (i);
 - (B) disclosure of the content of electronic communications of the user would not violate United States Code, title 18, section 2701 et seq., as amended; United States Code, title 47, section 222, as amended; or other applicable law;
 - (C) unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or
 - (D) disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.

Sec. 9. **[521A.08] DISCLOSURE OF OTHER DIGITAL ASSETS OF DECEASED USER.**

Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalog of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user if the representative gives the custodian:

(1) a written request for disclosure in physical or electronic form;

(2) a certified copy of the death certificate of the user;

(3) a certified copy of the letter of appointment of the representative, court order, or Affidavit of Collection of Personal Property executed under section 524.3-1201; and

(4) if requested by the custodian:

(i) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(ii) evidence linking the account to the user;

(iii) an affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or

(iv) a finding by the court that:

(A) the user had a specific account with the custodian, identifiable by the information specified in item (i); or

(B) disclosure of the user's digital assets is reasonably necessary for administration of the estate.

Sec. 10. **[521A.09] DISCLOSURE OF CONTENT OF ELECTRONIC COMMUNICATIONS OF PRINCIPAL.**

To the extent a power of attorney expressly grants an agent authority over the content of electronic communications sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content if the agent gives the custodian:

(1) a written request for disclosure in physical or electronic form;

(2) an original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;

(3) a certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

(4) if requested by the custodian:

(i) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

(ii) evidence linking the account to the principal.

Sec. 11. **[521A.10] DISCLOSURE OF OTHER DIGITAL ASSETS OF PRINCIPAL.**

Unless otherwise ordered by the court, directed by the principal, or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalog of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications, of the principal if the agent gives the custodian:

(1) a written request for disclosure in physical or electronic form;

(2) an original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;

(3) a certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

(4) if requested by the custodian:

(i) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

(ii) evidence linking the account to the principal.

Sec. 12. **[521A.11] DISCLOSURE OF DIGITAL ASSETS HELD IN TRUST WHEN TRUSTEE IS ORIGINAL USER.**

Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account held in trust, including a catalog of electronic communications of the trustee and the content of electronic communications.

Sec. 13. **[521A.12] DISCLOSURE OF CONTENT OF ELECTRONIC COMMUNICATIONS HELD IN TRUST WHEN TRUSTEE NOT ORIGINAL USER.**

Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received, or stored by the custodian in the account of the trust if the trustee gives the custodian:

(1) a written request for disclosure in physical or electronic form;

(2) a certified copy of the trust instrument or a certification of the trust under section 501C.1013 that includes consent to disclosure of the content of electronic communications to the trustee;

(3) a certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

(4) if requested by the custodian:

(i) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or

(ii) evidence linking the account to the trust.

Sec. 14. **[521A.13] DISCLOSURE OF OTHER DIGITAL ASSETS HELD IN TRUST WHEN TRUSTEE NOT ORIGINAL USER.**

Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account a catalog of electronic communications sent or received by an original or successor user and stored, carried, or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian:

(1) a written request for disclosure in physical or electronic form;

(2) a certified copy of the trust instrument or a certification of the trust under section 501C.1013;

(3) a certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

(4) if requested by the custodian:

(i) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or

(ii) evidence linking the account to the trust.

Sec. 15. **[521A.14] DISCLOSURE OF DIGITAL ASSETS TO CONSERVATOR OF PROTECTED PERSON.**

(a) After an opportunity for a hearing under chapter 524, the court may grant a conservator access to the digital assets of a protected person.

(b) Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a conservator the catalog of electronic communications sent or received by a protected person and any digital assets, other than the content of electronic communications, in which the protected person has a right or interest if the conservator gives the custodian:

(1) a written request for disclosure in physical or electronic form;

(2) a certified copy of the court order that gives the conservator authority over the digital assets of the protected person; and

(3) if requested by the custodian:

(i) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the protected person; or

(ii) evidence linking the account to the protected person.

(c) A conservator with general authority to manage the assets of a protected person may request a custodian of the digital assets of the protected person to suspend or terminate an account of the protected person for good cause. A request made under this section must be accompanied by a certified copy of the court order giving the conservator authority over the protected person's property.

Sec. 16. **[521A.15] FIDUCIARY DUTY AND AUTHORITY.**

(a) The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including:

- (1) the duty of care;
- (2) the duty of loyalty; and
- (3) the duty of confidentiality.

(b) A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

- (1) except as otherwise provided in section 521A.04, is subject to the applicable terms of service;
- (2) is subject to other applicable law, including copyright law;
- (3) in the case of a fiduciary, is limited by the scope of the fiduciary's duties; and
- (4) may not be used to impersonate the user.

(c) A fiduciary with authority over the property of a decedent, protected person, principal, or settlor has the right to access any digital asset in which the decedent, protected person, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

(d) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, protected person, principal, or settlor for the purpose of applicable computer fraud and unauthorized computer access laws, including section 609.891.

(e) A fiduciary with authority over the tangible personal property of a decedent, protected person, principal, or settlor:

- (1) has the right to access the property and any digital asset stored in it; and
- (2) is an authorized user for the purpose of computer fraud and unauthorized computer access laws, including section 609.891.

(f) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

(g) A fiduciary of a user may request a custodian to terminate the user's account. A request for termination must be in writing, in either physical or electronic form, and accompanied by:

- (1) if the user is deceased, a certified copy of the death certificate of the user;
- (2) a certified copy of the letter of appointment of the representative or a small estate affidavit or court order, court order, power of attorney, or trust giving the fiduciary authority over the account; and
- (3) if requested by the custodian:

(i) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(ii) evidence linking the account to the user; or

(iii) a finding by the court that the user had a specific account with the custodian, identifiable by the information specified in item (i).

Sec. 17. **[521A.16] CUSTODIAN COMPLIANCE AND IMMUNITY.**

(a) Not later than 60 days after receipt of the information required under sections 521A.07 to 521A.15, a custodian shall comply with a request under this chapter from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

(b) An order under paragraph (a) directing compliance must contain a finding that compliance is not in violation of United States Code, title 18, section 2702, as amended.

(c) A custodian may notify the user that a request for disclosure or to terminate an account was made under this chapter.

(d) A custodian may deny a request under this chapter from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

(e) This chapter does not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under this chapter to obtain a court order which:

(1) specifies that an account belongs to the protected person or principal;

(2) specifies that there is sufficient consent from the protected person or principal to support the requested disclosure; and

(3) contains a finding required by law other than this chapter.

(f) A custodian and its officers, employees, and agents are immune from liability for an act or omission done in good faith in compliance with this chapter.

Sec. 18. **[521A.17] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 19. **[521A.18] RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.**

This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, United States Code, title 15, section 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, United States Code, title 15, section 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, United States Code, title 15, section 7003(b).

Sec. 20. **[521A.19] SEVERABILITY.**

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable."

Page 17, after line 12, insert:

"Sec. 33. **EFFECTIVE DATE.**

Sections 2 to 20 apply to fiduciaries acting under a governing instrument executed before, on, or after August 1, 2016."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1372, A bill for an act relating to civil law; providing trusts for animal care; modifying certain probate provisions; enacting the Revised Uniform Fiduciary Access to Digital Assets Act; clarifying certain provisions for receiverships and assignments for the benefit of creditors; providing for a short form of assignment for recording with a deed to transfer real property; updating references throughout Minnesota Statutes to include limited liability companies under the Minnesota Revised Uniform Limited Liability Company Act; clarifying certain fees; making other business organization clarifying changes; amending Minnesota Statutes 2014, sections 5.001, subdivision 2; 5.25, subdivisions 1, 3; 115D.03, subdivision 6a; 116J.395, subdivision 3; 211B.15, subdivision 1; 216B.1612, subdivision 2; 302A.651, subdivision 4; 308B.005, subdivision 18; 319B.02, subdivisions 10, 12; 322C.0201, subdivision 4; 322C.0205, subdivision 1; 322C.0208; 322C.1011, subdivisions 1, 2; 484.73, subdivision 2; 524.1-201; 524.2-102; 524.2-202; 524.2-301; 524.2-403; 524.2-404; 524.2-606; 524.3-406; 524.3-1201; 524.3-1203, subdivision 5; 559.17, subdivision 2; 576.22; 576.29, subdivision 1; 576.30; 576.45, subdivision 3; 576.47; 577.12; 577.15; Minnesota Statutes 2015 Supplement, sections 5.25, subdivision 5; 124E.05, subdivision 1; 302A.471, subdivision 1; 322C.0105, subdivision 1a; 322C.0407, subdivision 4; 322C.1007, subdivision 1; 501C.0110; 501C.0402; 501C.0409; proposing coding for new law in Minnesota Statutes, chapters 501C; 524; proposing coding for new law as Minnesota Statutes, chapter 521A.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Barrett	Dauids	Fenton	Hancock	Isaacson
Allen	Bennett	Davnie	Fischer	Hansen	Johnson, B.
Anderson, C.	Bernardy	Dean, M.	Flanagan	Hausman	Johnson, C.
Anderson, P.	Bly	Dehn, R.	Franson	Heintzeman	Kahn
Anderson, S.	Carlson	Dettmer	Freiberg	Hertaus	Kelly
Anzelc	Christensen	Drazkowski	Green	Hilstrom	Kiel
Applebaum	Clark	Ecklund	Gunther	Hoppe	Knoblach
Atkins	Considine	Erhardt	Hackbarth	Hornstein	Koznick
Baker	Cornish	Erickson	Halverson	Hortman	Kresha
Baker	Daniels	Fabian	Hamilton	Howe	Laine

Lesch	Mahoney	Nash	Peterson	Scott	Vogel
Liebling	Marquart	Nelson	Pierson	Selcer	Wagenius
Lien	Masin	Newberger	Pinto	Simonson	Whelan
Lillie	McDonald	Newton	Poppe	Slocum	Wills
Loeffler	McNamara	Nornes	Pugh	Smith	Yarusso
Lohmer	Metsa	Norton	Quam	Swedzinski	Youakim
Loon	Miller	O'Driscoll	Rarick	Theis	Zerwas
Loonan	Moran	O'Neill	Rosenthal	Thissen	Spk. Daudt
Lucero	Mullery	Pelowski	Runbeck	Torkelson	
Lueck	Murphy, E.	Peppin	Sanders	Uglem	
Mack	Murphy, M.	Petersburg	Schultz	Urdahl	

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

S. F. No. 2315, A bill for an act relating to transportation; highways; designating the segment of marked Trunk Highway 7 in McLeod County as Patrol Officer Michael Alan Hogan Memorial Highway; amending Minnesota Statutes 2014, section 161.14, by adding a subdivision.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Davnie	Hansen	Lien	Nelson	Scott
Allen	Dean, M.	Hausman	Lillie	Newberger	Selcer
Anderson, C.	Dehn, R.	Heintzeman	Loeffler	Newton	Simonson
Anderson, P.	Dettmer	Hertaus	Lohmer	Nornes	Slocum
Anderson, S.	Drazkowski	Hilstrom	Loon	Norton	Smith
Anzelc	Ecklund	Hoppe	Loonan	O'Driscoll	Swedzinski
Applebaum	Erhardt	Hornstein	Lucero	O'Neill	Theis
Atkins	Erickson	Hortman	Lueck	Pelowski	Thissen
Backer	Fabian	Howe	Mack	Peppin	Torkelson
Baker	Fenton	Isaacson	Mahoney	Petersburg	Uglem
Barrett	Fischer	Johnson, B.	Marquart	Peterson	Urdahl
Bennett	Flanagan	Johnson, C.	Masin	Pierson	Vogel
Bernardy	Franson	Kahn	McDonald	Pinto	Wagenius
Bly	Freiberg	Kelly	McNamara	Poppe	Whelan
Carlson	Green	Kiel	Metsa	Pugh	Wills
Christensen	Gruenhagen	Knoblach	Miller	Quam	Yarusso
Clark	Gunther	Koznick	Moran	Rarick	Youakim
Considine	Hackbarth	Kresha	Mullery	Rosenthal	Zerwas
Cornish	Halverson	Laine	Murphy, E.	Runbeck	Spk. Daudt
Daniels	Hamilton	Lesch	Murphy, M.	Sanders	
Davids	Hancock	Liebling	Nash	Schultz	

The bill was passed and its title agreed to.

Clark was excused between the hours of 1:05 p.m. and 2:35 p.m.

S. F. No. 3262, A bill for an act relating to transportation; designating a segment of marked Trunk Highway 28 as Staff Sergeant Kevin Witte Memorial Highway; amending Minnesota Statutes 2015 Supplement, section 161.14, by adding a subdivision.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Hausman	Lillie	Newberger	Scott
Allen	Dehn, R.	Heintzeman	Loeffler	Newton	Selcer
Anderson, C.	Dettmer	Hertaus	Lohmer	Nornes	Simonson
Anderson, P.	Drazkowski	Hilstrom	Loon	Norton	Slocum
Anderson, S.	Ecklund	Hoppe	Loonan	O'Driscoll	Smith
Anzalc	Erhardt	Hornstein	Lucero	O'Neill	Swedzinski
Applebaum	Erickson	Hortman	Lueck	Pelowski	Theis
Atkins	Fabian	Howe	Mack	Peppin	Thissen
Backer	Fenton	Isaacson	Mahoney	Petersburg	Torkelson
Baker	Fischer	Johnson, B.	Marquart	Peterson	Uglen
Barrett	Flanagan	Johnson, C.	Masin	Pierson	Urdahl
Bennett	Franson	Kahn	McDonald	Pinto	Vogel
Bernardy	Freiberg	Kelly	McNamara	Poppe	Wagenius
Bly	Green	Kiel	Metsa	Pugh	Whelan
Carlson	Gruenhagen	Knoblach	Miller	Quam	Wills
Christensen	Gunther	Koznick	Moran	Rarick	Yarusso
Considine	Hackbarth	Kresha	Mullery	Rosenthal	Youakim
Cornish	Halverson	Laine	Murphy, E.	Runbeck	Zerwas
Daniels	Hamilton	Lesch	Murphy, M.	Sanders	Spk. Daudt
Davids	Hancock	Liebling	Nash	Schoen	
Davnie	Hansen	Lien	Nelson	Schultz	

The bill was passed and its title agreed to.

McDonald was excused between the hours of 1:10 p.m. and 2:30 p.m.

H. F. No. 3699 was reported to the House.

Loon moved to amend H. F. No. 3699, the first engrossment, as follows:

Page 1, after line 4, insert:

"Section 1. **[340A.35] SUNDAY DELIVERY RESTRICTION.**

No off-sale licensee may accept delivery of alcoholic beverages on a Sunday.

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

Sec. 2. Minnesota Statutes 2014, section 340A.504, subdivision 4, is amended to read:

Subd. 4. **Intoxicating liquor; off-sale.** (a) No sale of intoxicating liquor may be made by an off-sale licensee:

(1) on Sundays;

(2) before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;

(3) on Thanksgiving Day;

(4) on Christmas Day, December 25; or

(5) after 8:00 p.m. on Christmas Eve, December 24.

(b) Notwithstanding paragraph (a), a municipality may authorize off-sale licensees or a municipal liquor store under its jurisdiction to make off-sales of intoxicating liquor on any day, provided that no sale may be made before 8:00 a.m. or after 10:00 p.m.

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

A roll call was requested and properly seconded.

POINT OF ORDER

Atkins raised a point of order pursuant to rule 3.21 that the Loon amendment was not in order. The Speaker ruled the point of order not well taken and the Loon amendment in order.

Hansen offered an amendment to the Loon amendment to H. F. No. 3699, the first engrossment.

POINT OF ORDER

Sanders raised a point of order pursuant to rule 3.21 that the Hansen amendment to the Loon amendment was not in order. The Speaker ruled the point of order well taken and the Hansen amendment to the Loon amendment out of order.

Johnson, C., moved to amend the Loon amendment to H. F. No. 3699, the first engrossment, as follows:

Page 1, after line 16, insert:

"(c) Notwithstanding paragraph (a), an on-sale/off-sale licensee operating under section 340A.406 may conduct sales on all days of the week."

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

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

POINT OF ORDER

Anderson, S., raised a point of order pursuant to section 101 of "Mason's Manual of Legislative Procedure," relating to Debate Is Limited to the Question Before the House. The Speaker ruled the point of order well taken.

The question recurred on the Loon amendment and the roll was called. There were 56 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Albright	Fenton	Koznick	McNamara	Pugh	Vogel
Allen	Franson	Kresha	Nash	Rarick	Whelan
Anderson, C.	Freiberg	Liebling	Nornes	Rosenthal	Wills
Anderson, S.	Garofalo	Lien	Norton	Runbeck	Yarusso
Bennett	Hausman	Loeffler	O'Neill	Sanders	Zerwas
Bly	Hertaus	Loon	Pelowski	Scott	Spk. Daudt
Christensen	Hornstein	Loonan	Peppin	Selcer	
Cornish	Johnson, C.	Lucero	Petersburg	Slocum	
Daniels	Kahn	Lueck	Peterson	Smith	
Draskowski	Kiel	McDonald	Pierson	Uglen	

Those who voted in the negative were:

Anzelc	Dean, M.	Hackbarth	Kelly	Miller	Schoen
Applebaum	Dehn, R.	Halverson	Knoblach	Moran	Schultz
Atkins	Dettmer	Hamilton	Laine	Mullery	Simonson
Backer	Ecklund	Hancock	Lesch	Murphy, E.	Swedzinski
Baker	Erhardt	Hansen	Lillie	Murphy, M.	Theis
Barrett	Erickson	Heintzeman	Lohmer	Nelson	Thissen
Bernardy	Fabian	Hilstrom	Mack	Newberger	Torkelson
Carlson	Fischer	Hoppe	Mahoney	Newton	Urdahl
Clark	Flanagan	Hortman	Mariani	O'Driscoll	Wagenius
Considine	Green	Isaacson	Marquart	Pinto	Youakim
Davids	Gruenhagen	Johnson, B.	Masin	Poppe	
Davnie	Gunther	Johnson, S.	Metsa	Quam	

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

The Speaker called Garofalo to the Chair.

H. F. No. 3699, A bill for an act relating to local government licensing authority; allowing specific licenses to be issued.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Davnie	Hancock	Lesch	Murphy, E.	Sanders
Allen	Dean, M.	Hansen	Liebling	Murphy, M.	Schoen
Anderson, C.	Dehn, R.	Hausman	Lien	Nash	Schultz
Anderson, P.	Dettmer	Heintzeman	Lillie	Nelson	Scott
Anderson, S.	Drazkowski	Hertaus	Loeffler	Newberger	Selcer
Anzelc	Ecklund	Hilstrom	Lohmer	Newton	Simonson
Applebaum	Erhardt	Hoppe	Loon	Nornes	Slocum
Atkins	Erickson	Hornstein	Loonan	Norton	Smith
Backer	Fabian	Hortman	Lucero	O'Driscoll	Swedzinski
Baker	Fenton	Howe	Lueck	O'Neill	Theis
Barrett	Fischer	Isaacson	Mack	Pelowski	Thissen
Bennett	Flanagan	Johnson, B.	Mahoney	Petersburg	Torkelson
Bernardy	Franson	Johnson, C.	Mariani	Peterson	Uglen
Bly	Freiberg	Johnson, S.	Marquart	Pierson	Urdahl
Carlson	Garofalo	Kahn	Masin	Pinto	Vogel
Christensen	Green	Kelly	McDonald	Poppe	Wagenius
Clark	Gruenhagen	Kiel	McNamara	Pugh	Whelan
Considine	Gunther	Knoblach	Metsa	Quam	Wills
Cornish	Hackbarth	Koznick	Miller	Rarick	Yarusso
Daniels	Halverson	Kresha	Moran	Rosenthal	Youakim
Davids	Hamilton	Laine	Mullery	Runbeck	Zerwas

The bill was passed and its title agreed to.

Daudt and Peppin were excused between the hours of 2:40 p.m. and 3:20 p.m.

H. F. No. 3588, A bill for an act relating to transportation; governing certain motor vehicle weight limits; providing for an increase in weight limits for certain vehicles powered by natural gas; making technical changes; amending Minnesota Statutes 2014, section 169.824, subdivision 2, by adding a subdivision.

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 116 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Albright	Barrett	Davnie	Fischer	Hansen	Johnson, B.
Allen	Bennett	Dean, M.	Flanagan	Hausman	Johnson, S.
Anderson, C.	Bernardy	Dehn, R.	Garofalo	Heintzeman	Kahn
Anderson, P.	Bly	Dettmer	Green	Hertaus	Kelly
Anderson, S.	Carlson	Drazkowski	Gruenhagen	Hilstrom	Kiel
Anzelc	Christensen	Ecklund	Gunther	Hoppe	Knoblach
Applebaum	Clark	Erhardt	Hackbarth	Hornstein	Koznick
Atkins	Cornish	Erickson	Halverson	Hortman	Kresha
Backer	Daniels	Fabian	Hamilton	Howe	Laine
Baker	Davids	Fenton	Hancock	Isaacson	Lesch

Lien	Mariani	Nash	Pinto	Selcer	Wagenius
Lillie	Marquart	Newberger	Poppe	Slocum	Whelan
Loeffler	Masin	Newton	Pugh	Smith	Wills
Lohmer	McDonald	Nornes	Quam	Swedzinski	Yarusso
Loon	McNamara	O'Driscoll	Rarick	Theis	Youakim
Loonan	Miller	O'Neill	Rosenthal	Thissen	Zerwas
Lucero	Moran	Pelowski	Runbeck	Torkelson	
Lueck	Mullery	Petersburg	Sanders	Uglen	
Mack	Murphy, E.	Peterson	Schoen	Urdahl	
Mahoney	Murphy, M.	Pierson	Scott	Vogel	

Those who voted in the negative were:

Considine	Freiberg	Liebling	Nelson	Schultz
Franson	Johnson, C.	Metsa	Norton	Simonson

The bill was passed and its title agreed to.

H. F. No. 2607 was reported to the House.

Kelly moved to amend H. F. No. 2607, the first engrossment, as follows:

Page 4, line 21, after the period, insert "The commissioner of human services shall notify the revisor of statutes when the section is effective."

The motion prevailed and the amendment was adopted.

H. F. No. 2607, A bill for an act relating to human services; modifying certain nursing facilities requirements; amending Minnesota Statutes 2014, section 144A.071, subdivisions 4c, 4d; Minnesota Statutes 2015 Supplement, section 256B.441, subdivisions 13, 53.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Bennett	Dean, M.	Franson	Hausman	Johnson, S.
Allen	Bernardy	Dehn, R.	Freiberg	Heintzeman	Kahn
Anderson, C.	Bly	Dettmer	Garofalo	Hertaus	Kelly
Anderson, P.	Carlson	Drazkowski	Green	Hilstrom	Kiel
Anderson, S.	Christensen	Ecklund	Gruenhagen	Hoppe	Knoblach
Anzelc	Clark	Erhardt	Gunther	Hornstein	Koznick
Applebaum	Considine	Erickson	Hackbarth	Hortman	Kresha
Atkins	Cornish	Fabian	Halverson	Howe	Laine
Backer	Daniels	Fenton	Hamilton	Isaacson	Lesch
Baker	Davids	Fischer	Hancock	Johnson, B.	Liebling
Barrett	Davnie	Flanagan	Hansen	Johnson, C.	Lien

Lillie	Marquart	Nash	Peterson	Schoen	Torkelson
Loeffler	Masin	Nelson	Pierson	Schultz	Uglem
Lohmer	McDonald	Newberger	Pinto	Scott	Urdahl
Loon	McNamara	Newton	Poppe	Selcer	Vogel
Loonan	Metsa	Nornes	Pugh	Simonson	Wagenius
Lucero	Miller	Norton	Quam	Slocum	Whelan
Lueck	Moran	O'Driscoll	Rarick	Smith	Wills
Mack	Mullery	O'Neill	Rosenthal	Swedzinski	Yarusso
Mahoney	Murphy, E.	Pelowski	Runbeck	Theis	Youakim
Mariani	Murphy, M.	Petersburg	Sanders	Thissen	Zerwas

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

H. F. No. 3469, A bill for an act relating to crime; modifying crime and increasing sentence of interfering with a body or scene of death; appropriating money; amending Minnesota Statutes 2014, section 609.502, subdivision 1, by adding subdivisions.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Davnie	Hancock	Lien	Nash	Schultz
Allen	Dean, M.	Hansen	Lillie	Nelson	Scott
Anderson, C.	Dehn, R.	Heintzeman	Loeffler	Newberger	Selcer
Anderson, P.	Dettmer	Hertaus	Lohmer	Newton	Simonson
Anderson, S.	Drazkowski	Hilstrom	Loon	Nornes	Slocum
Anzelc	Ecklund	Hoppe	Loonan	Norton	Smith
Applebaum	Erhardt	Hornstein	Lucero	O'Driscoll	Swedzinski
Atkins	Erickson	Hortman	Lueck	O'Neill	Theis
Backer	Fabian	Howe	Mack	Pelowski	Thissen
Baker	Fenton	Isaacson	Mahoney	Petersburg	Torkelson
Barrett	Fischer	Johnson, B.	Mariani	Peterson	Uglem
Bennett	Flanagan	Johnson, C.	Marquart	Pierson	Urdahl
Bernardy	Franson	Johnson, S.	Masin	Pinto	Vogel
Bly	Freiberg	Kahn	McDonald	Poppe	Wagenius
Carlson	Garofalo	Kelly	McNamara	Pugh	Whelan
Christensen	Green	Kiel	Metsa	Quam	Wills
Clark	Gruenhagen	Knoblach	Miller	Rarick	Yarusso
Considine	Gunther	Koznick	Moran	Rosenthal	Youakim
Cornish	Hackbarth	Kresha	Mullery	Runbeck	Zerwas
Daniels	Halverson	Laine	Murphy, E.	Sanders	
Davids	Hamilton	Lesch	Murphy, M.	Schoen	

The bill was passed and its title agreed to.

H. F. No. 3142 was reported to the House.

Zerwas moved to amend H. F. No. 3142, the first engrossment, as follows:

Page 6, after line 17, insert:

"Sec. 7. Minnesota Statutes 2014, section 144A.4791, is amended by adding a subdivision to read:

Subd. 14. **Application of other law.** Home care providers may exercise the authority and are subject to the protections in section 152.34."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Zerwas moved to amend H. F. No. 3142, the first engrossment, as amended, as follows:

Page 7, after line 2, insert:

"Sec. 9. Minnesota Statutes 2014, section 144A.4799, subdivision 3, is amended to read:

Subd. 3. **Duties.** (a) At the commissioner's request, the advisory council shall provide advice regarding regulations of Department of Health licensed home care providers in this chapter, including advice on the following:

(1) community standards for home care practices;

(2) enforcement of licensing standards and whether certain disciplinary actions are appropriate;

(3) ways of distributing information to licensees and consumers of home care;

(4) training standards;

(5) ~~identify~~ identifying emerging issues and opportunities in the home care field, including the use of technology in home and telehealth capabilities;

(6) allowable home care licensing modifications and exemptions, including a method for an integrated license with an existing license for rural licensed nursing homes to provide limited home care services in an adjacent independent living apartment building owned by the licensed nursing home; and

(7) recommendations for studies using the data in section 62U.04, subdivision 4, including but not limited to studies concerning costs related to dementia and chronic disease among an elderly population over 60 and additional long-term care costs, as described in section 62U.10, subdivision 6.

~~(b)~~ (b) The advisory council shall perform other duties as directed by the commissioner."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Loeffler moved to amend H. F. No. 3142, the first engrossment, as amended, as follows:

Page 3, after line 15, insert:

"Sec. 3. **[144.945] ZIKA PREPAREDNESS AND RESPONSE.**

(a) To the extent funds are available, the commissioner of health shall undertake the following statewide planning, coordination, preparation, and response activities related to the Zika virus:

(1) maintain state and local public health readiness to address Zika-related public health threats;

(2) conduct diagnostic tests of patients who meet criteria for Zika testing and maintain enhanced laboratory surveillance activities related to Zika;

(3) engage in Zika surveillance activities, including evaluating patients for testing based on criteria, advising health care providers on Zika virus research, providing recommendations and interpretations of test results, and conducting Zika-related public awareness and prevention activities; and

(4) conduct mosquito surveillance activities under section 144.95 to enhance monitoring of areas where mosquitoes carrying the Zika virus may be found in Minnesota, notwithstanding section 144.95, subdivision 10.

(b) The commissioner shall seek authority from the United States Centers for Disease Control and Prevention to use federal Public Health Emergency Preparedness grant funds for costs associated with Zika preparedness and response activities under this section and shall seek additional federal funds for this purpose."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Thissen moved to amend H. F. No. 3142, the first engrossment, as amended, as follows:

Page 8, after line 9, insert:

"Sec. 10. Minnesota Statutes 2014, section 144D.01, subdivision 2a, is amended to read:

Subd. 2a. **Arranged home care provider.** "Arranged home care provider" means a home care provider licensed under ~~Minnesota Rules, chapter 4668, chapter 144A~~ that provides services to some or all of the residents of a housing with services establishment and that is either the establishment itself or another entity with which the establishment has an arrangement.

Sec. 11. Minnesota Statutes 2014, section 144G.03, subdivision 2, is amended to read:

Subd. 2. **Minimum requirements for assisted living.** (a) Assisted living shall be provided or made available only to individuals residing in a registered housing with services establishment. Except as expressly stated in this chapter, a person or entity offering assisted living may define the available services and may offer assisted living to

all or some of the residents of a housing with services establishment. The services that comprise assisted living may be provided or made available directly by a housing with services establishment or by persons or entities with which the housing with services establishment has made arrangements.

(b) A person or entity entitled to use the phrase "assisted living," according to section 144G.02, subdivision 1, shall do so only with respect to a housing with services establishment, or a service, service package, or program available within a housing with services establishment that, at a minimum:

(1) provides or makes available health-related services under a ~~class A or class F~~ home care license. At a minimum, health-related services must include:

(i) ~~assistance with self administration of medication as defined in Minnesota Rules, part 4668.0003, subpart 2a, management~~ or medication administration as defined in ~~Minnesota Rules, part 4668.0003, subpart 21a in section 144A.43~~; and

(ii) assistance with at least three of the following seven activities of daily living: bathing, dressing, grooming, eating, transferring, continence care, and toileting.

All health-related services shall be provided in a manner that complies with applicable home care licensure requirements in chapter 144A, and sections 148.171 to 148.285, ~~and Minnesota Rules, chapter 4668~~;

(2) provides necessary assessments of the physical and cognitive needs of assisted living clients by a registered nurse, as required by applicable home care licensure requirements in chapter 144A, and sections 148.171 to 148.285, ~~and Minnesota Rules, chapter 4668~~;

(3) has and maintains a system for delegation of health care activities to unlicensed ~~assistive health care~~ personnel by a registered nurse, including supervision and evaluation of the delegated activities as required by applicable home care licensure requirements in chapter 144A, and sections 148.171 to 148.285, ~~and Minnesota Rules, chapter 4668~~;

(4) provides staff access to an on-call registered nurse 24 hours per day, seven days per week;

(5) has and maintains a system to check on each assisted living client at least daily;

(6) provides a means for assisted living clients to request assistance for health and safety needs 24 hours per day, seven days per week, from the establishment or a person or entity with which the establishment has made arrangements;

(7) has a person or persons available 24 hours per day, seven days per week, who is responsible for responding to the requests of assisted living clients for assistance with health or safety needs, who shall be:

(i) awake;

(ii) located in the same building, in an attached building, or on a contiguous campus with the housing with services establishment in order to respond within a reasonable amount of time;

(iii) capable of communicating with assisted living clients;

(iv) capable of recognizing the need for assistance;

(v) capable of providing either the assistance required or summoning the appropriate assistance; and

(vi) capable of following directions;

(8) offers to provide or make available at least the following supportive services to assisted living clients:

(i) two meals per day;

(ii) weekly housekeeping;

(iii) weekly laundry service;

(iv) upon the request of the client, reasonable assistance with arranging for transportation to medical and social services appointments, and the name of or other identifying information about the person or persons responsible for providing this assistance;

(v) upon the request of the client, reasonable assistance with accessing community resources and social services available in the community, and the name of or other identifying information about the person or persons responsible for providing this assistance; and

(vi) periodic opportunities for socialization; and

(9) makes available to all prospective and current assisted living clients information consistent with the uniform format and the required components adopted by the commissioner under section 144G.06. This information must be made available beginning no later than six months after the commissioner makes the uniform format and required components available to providers according to section 144G.06.

Sec. 12. Minnesota Statutes 2014, section 144G.03, subdivision 4, is amended to read:

Subd. 4. **Nursing assessment.** (a) A housing with services establishment offering or providing assisted living shall:

(1) offer to have the arranged home care provider conduct a nursing assessment by a registered nurse of the physical and cognitive needs of the prospective resident and propose a ~~service agreement~~ or service plan prior to the date on which a prospective resident executes a contract with a housing with services establishment or the date on which a prospective resident moves in, whichever is earlier; and

(2) inform the prospective resident of the availability of and contact information for long-term care consultation services under section 256B.0911, prior to the date on which a prospective resident executes a contract with a housing with services establishment or the date on which a prospective resident moves in, whichever is earlier.

(b) An arranged home care provider is not obligated to conduct a nursing assessment by a registered nurse when requested by a prospective resident if either the geographic distance between the prospective resident and the provider, or urgent or unexpected circumstances, do not permit the assessment to be conducted prior to the date on which the prospective resident executes a contract or moves in, whichever is earlier. When such circumstances occur, the arranged home care provider shall offer to conduct a telephone conference whenever reasonably possible.

(c) The arranged home care provider shall comply with applicable home care licensure requirements in chapter 144A; ~~and~~ sections 148.171 to 148.285, ~~and Minnesota Rules, chapter 4668,~~ with respect to the provision of a nursing assessment prior to the delivery of nursing services and the execution of a home care service plan or service agreement."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Thissen moved to amend the Thissen amendment to H. F. No. 3142, the first engrossment, as amended, as follows:

Page 1, line 24, reinstate the stricken "assistance with self-administration of" and after "medication" insert a comma

Page 1, line 25, before "management" insert "medication" and before "or" insert a comma

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Thissen amendment, as amended, to H. F. No. 3142, the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Kelly was excused between the hours of 3:00 p.m. and 3:20 p.m.

H. F. No. 3142, A bill for an act relating to health; amending provisions for the statewide trauma system, home care, hearing instrument dispensers, Zika preparedness, and food, beverage, and lodging establishments; amending Minnesota Statutes 2014, sections 144.605, subdivision 5; 144.608, subdivision 1; 144A.473, subdivision 2; 144A.475, subdivisions 3, 3b, by adding a subdivision; 144A.4791, by adding a subdivision; 144A.4792, subdivision 13; 144A.4799, subdivisions 1, 3; 144A.482; 144D.01, subdivision 2a; 144G.03, subdivisions 2, 4; 153A.14, subdivisions 2d, 2h; 153A.15, subdivision 2a; 157.15, subdivision 14; 157.16, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Davnie	Heintzeman	Loeffler	Newberger	Selcer
Allen	Dehn, R.	Hertaus	Lohmer	Newton	Simonson
Anderson, C.	Drazkowski	Hilstrom	Loon	Nornes	Slocum
Anderson, P.	Ecklund	Hoppe	Loonan	Norton	Smith
Anderson, S.	Erhardt	Hornstein	Lucero	O'Driscoll	Swedzinski
Anzalc	Erickson	Hortman	Lueck	O'Neill	Theis
Applebaum	Fabian	Howe	Mack	Pelowski	Thissen
Atkins	Fenton	Isaacson	Mahoney	Petersburg	Torkelson
Backer	Fischer	Johnson, B.	Mariani	Peterson	Uglen
Baker	Flanagan	Johnson, C.	Marquart	Pierson	Urdahl
Barrett	Franson	Johnson, S.	Masin	Pinto	Vogel
Bennett	Freiberg	Kahn	McDonald	Poppe	Wagenius
Bernardy	Garofalo	Kiel	McNamara	Pugh	Whelan
Bly	Green	Knoblach	Metsa	Quam	Wills
Carlson	Gunther	Koznick	Miller	Rarick	Yarusso
Christensen	Hackbarth	Kresha	Moran	Rosenthal	Youakim
Clark	Halverson	Laine	Mullery	Runbeck	Zerwas
Considine	Hamilton	Lesch	Murphy, E.	Sanders	
Cornish	Hancock	Liebling	Murphy, M.	Schoen	
Daniels	Hansen	Lien	Nash	Schultz	
Davids	Hausman	Lillie	Nelson	Scott	

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

H. F. No. 3925 was reported to the House.

Hackbarth moved to amend H. F. No. 3925, the second engrossment, as follows:

Page 5, line 31, delete "in the manner provided for in paragraph (e)"

The motion prevailed and the amendment was adopted.

Albright moved to amend H. F. No. 3925, the second engrossment, as amended, as follows:

Page 14, after line 13, insert:

"Subd. 15. **Expenditures; taconite assistance area.** Expenditures subject to the requirements of this section may be expended only within or for the benefit of the taconite assistance area defined in section 273.1341."

The motion prevailed and the amendment was adopted.

Mahoney and Rarick were excused for the remainder of today's session.

H. F. No. 3925, A bill for an act relating to Iron Range resources and rehabilitation; modifying duties of the commissioner; creating a Legislative-Citizen Commission; providing legislative oversight; modifying appropriations and distributions; making conforming changes; requiring a study; appropriating money; amending Minnesota Statutes 2014, sections 116J.423, subdivision 1; 116J.424; 298.001, by adding a subdivision; 298.018, subdivision 1; 298.17; 298.22; 298.221; 298.2211, subdivisions 3, 6; 298.2213; 298.2214, subdivision 2; 298.223; 298.227; 298.27; 298.28, subdivisions 7, 7a, 9c, 9d, 11; 298.292, subdivision 2; 298.294; 298.296; 298.2961; 298.297; 298.298; 298.46.

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

The question was taken on the passage of the bill and the roll was called. There were 74 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Hancock	Loon	Petersburg	Torkelson
Anderson, C.	Drazkowski	Hansen	Loonan	Peterson	Uglem
Anderson, P.	Erhardt	Heintzeman	Lucero	Pierson	Urdahl
Anderson, S.	Erickson	Hertaus	Mack	Pugh	Vogel
Backer	Fabian	Hoppe	McDonald	Quam	Wagenius
Baker	Fenton	Howe	McNamara	Rosenthal	Whelan
Barrett	Franson	Johnson, B.	Miller	Runbeck	Wills
Bennett	Garofalo	Kelly	Nash	Sanders	Zerwas
Christensen	Green	Kiel	Newberger	Scott	Spk. Daudt
Cornish	Gruenhagen	Knoblach	Nornes	Selcer	
Daniels	Gunther	Koznick	O'Driscoll	Smith	
Davids	Hackbarth	Kresha	O'Neill	Swedzinski	
Dean, M.	Hamilton	Lohmer	Peppin	Theis	

Those who voted in the negative were:

Allen	Davnie	Hornstein	Lien	Mullery	Schoen
Anzelc	Dehn, R.	Hortman	Lillie	Murphy, E.	Schultz
Applebaum	Ecklund	Isaacson	Loeffler	Murphy, M.	Simonson
Atkins	Fischer	Johnson, C.	Lueck	Nelson	Slocum
Bernardy	Flanagan	Johnson, S.	Mariani	Newton	Thissen
Bly	Freiberg	Kahn	Marquart	Pelowski	Yarusso
Carlson	Halverson	Laine	Masin	Persell	Youakim
Clark	Hausman	Lesch	Metsa	Pinto	
Considine	Hilstrom	Liebling	Moran	Poppe	

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

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2445, A bill for an act relating to health; modifying licensure requirement for osteopathic physicians; making technical changes to the composition of the Board of Medical Practice; amending Minnesota Statutes 2014, sections 147.01, subdivisions 1, 2; 147.02, subdivision 1.

JOANNE M. ZOFF, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Albright moved that the House concur in the Senate amendments to H. F. No. 2445 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2445, A bill for an act relating to health; modifying licensure requirement for osteopathic physicians; making technical changes to the composition of the Board of Medical Practice; amending Minnesota Statutes 2014, sections 147.01, subdivisions 1, 2; 147.02, subdivision 1; 147.03, subdivision 1; 147.037, subdivision 1; 147.091, subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Hausman	Lillie	Newton	Simonson
Allen	Dehn, R.	Heintzeman	Loeffler	Nornes	Slocum
Anderson, C.	Dettmer	Hertaus	Lohmer	Norton	Smith
Anderson, P.	Drazkowski	Hilstrom	Loon	O'Driscoll	Swedzinski
Anderson, S.	Ecklund	Hoppe	Loonan	O'Neill	Theis
Anzelc	Erhardt	Hornstein	Lucero	Pelowski	Thissen
Applebaum	Erickson	Hortman	Lueck	Peppin	Torkelson
Atkins	Fabian	Howe	Mack	Persell	Uglem
Backer	Fenton	Isaacson	Mariani	Petersburg	Urdahl
Baker	Fischer	Johnson, B.	Marquart	Peterson	Vogel
Barrett	Flanagan	Johnson, C.	Masin	Pierson	Wagenius
Bennett	Franson	Johnson, S.	McDonald	Pinto	Whelan
Bernardy	Freiberg	Kahn	McNamara	Poppe	Wills
Bly	Garofalo	Kelly	Metsa	Pugh	Yarusso
Carlson	Green	Kiel	Miller	Quam	Youakim
Christensen	Gruenhagen	Knoblach	Moran	Rosenthal	Zerwas
Clark	Gunther	Koznick	Mullery	Runbeck	Spk. Daudt
Considine	Hackbarth	Kresha	Murphy, E.	Sanders	
Cornish	Halverson	Laine	Murphy, M.	Schoen	
Daniels	Hamilton	Lesch	Nash	Schultz	
Davids	Hancock	Liebling	Nelson	Scott	
Davnie	Hansen	Lien	Newberger	Selcer	

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2803, A bill for an act relating to civil commitment; specifying notice requirements for early termination of an emergency admission; amending Minnesota Statutes 2014, section 253B.05, subdivisions 2, 3.

JOANNE M. ZOFF, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Zerwas moved that the House concur in the Senate amendments to H. F. No. 2803 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2803, A bill for an act relating to civil commitment; prohibiting participation in clinical drug trials by persons subject to emergency admission or apprehend and hold orders; specifying notice requirements for early termination of an emergency admission; amending Minnesota Statutes 2014, sections 253B.05, subdivisions 1, 2, 3; 253B.07, subdivision 2b.

The bill was read for the third time, as amended by the Senate, 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 0 nays as follows:

Those who voted in the affirmative were:

Albright	Davnie	Hancock	Lesch	Murphy, M.	Sanders
Allen	Dean, M.	Hansen	Liebling	Nash	Schoen
Anderson, C.	Dehn, R.	Hausman	Lien	Nelson	Schultz
Anderson, P.	Dettmer	Heintzeman	Lillie	Newberger	Scott
Anderson, S.	Drazkowski	Hertaus	Loeffler	Newton	Selcer
Anzelc	Ecklund	Hilstrom	Lohmer	Nornes	Simonson
Applebaum	Erhardt	Hoppe	Loon	Norton	Smith
Atkins	Erickson	Hornstein	Loonan	O'Driscoll	Swedzinski
Backer	Fabian	Hortman	Lucero	O'Neill	Theis
Baker	Fenton	Howe	Lueck	Pelowski	Thissen
Barrett	Fischer	Isaacson	Mack	Peppin	Torkelson
Bennett	Flanagan	Johnson, B.	Mariani	Persell	Uglen
Bernardy	Franson	Johnson, C.	Marquart	Petersburg	Urdahl
Bly	Freiberg	Johnson, S.	Masin	Peterson	Vogel
Carlson	Garofalo	Kahn	McDonald	Pierson	Wagenius
Christensen	Green	Kelly	McNamara	Pinto	Whelan
Clark	Gruenhagen	Kiel	Metsa	Poppe	Wills
Considine	Gunther	Knoblach	Miller	Pugh	Yarusso
Cornish	Hackbarth	Koznick	Moran	Quam	Youakim
Daniels	Halverson	Kresha	Mullery	Rosenthal	Zerwas
Davids	Hamilton	Laine	Murphy, E.	Runbeck	Spk. Daudt

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3482, A bill for an act relating to criminal justice; extending the statute of limitations for certain identity theft crimes; appropriating money; amending Minnesota Statutes 2015 Supplement, section 628.26.

JOANNE M. ZOFF, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Zerwas moved that the House concur in the Senate amendments to H. F. No. 3482 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3482, A bill for an act relating to criminal justice; extending the statute of limitations for certain identity theft crimes; amending Minnesota Statutes 2015 Supplement, section 628.26.

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Hausman	Lillie	Newton	Simonson
Allen	Dehn, R.	Heintzeman	Loeffler	Nornes	Slocum
Anderson, C.	Dettmer	Hertaus	Lohmer	Norton	Smith
Anderson, P.	Drazkowski	Hilstrom	Loon	O'Driscoll	Swedzinski
Anderson, S.	Ecklund	Hoppe	Loonan	O'Neill	Theis
Anzelc	Erhardt	Hornstein	Lucero	Pelowski	Thissen
Applebaum	Erickson	Hortman	Lueck	Peppin	Torkelson
Atkins	Fabian	Howe	Mack	Persell	Uglen
Backer	Fenton	Isaacson	Mariani	Petersburg	Urdahl
Baker	Fischer	Johnson, B.	Marquart	Peterson	Vogel
Barrett	Flanagan	Johnson, C.	Masin	Pierson	Wagenius
Bennett	Franson	Johnson, S.	McDonald	Pinto	Whelan
Bernardy	Freiberg	Kahn	McNamara	Poppe	Wills
Bly	Garofalo	Kelly	Metsa	Pugh	Yarusso
Carlson	Green	Kiel	Miller	Quam	Youakim
Christensen	Gruenhagen	Knoblach	Moran	Rosenthal	Zerwas
Clark	Gunther	Koznick	Mullery	Runbeck	Spk. Daudt
Considine	Hackbarth	Kresha	Murphy, E.	Sanders	
Cornish	Halverson	Laine	Murphy, M.	Schoen	
Daniels	Hamilton	Lesch	Nash	Schultz	
Davids	Hancock	Liebling	Nelson	Scott	
Davnie	Hansen	Lien	Newberger	Selcer	

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 3589.

JOANNE M. ZOFF, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3589, A bill for an act relating to transportation; authorizing and governing implementation of requirements of the federal REAL ID Act; amending certain requirements governing driver's licenses and Minnesota identification cards; requiring rulemaking to implement a two-tier license system; amending Minnesota Statutes 2014, sections 97A.405, subdivision 2; 171.01, subdivision 37, by adding a subdivision; 171.017; 171.06, subdivision 3; 171.07, subdivisions 1, 4, 6, 7, 15, by adding subdivisions; 171.071, subdivision 3; 171.072; 171.12, subdivision 7; 171.27; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Laws 2009, chapter 92, section 1, as amended.

The bill was read for the first time.

Smith moved that S. F. No. 3589 and H. F. No. 3959, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

MOTIONS AND RESOLUTIONS

Peterson moved that the name of Bernardy be added as an author on H. F. No. 2497. The motion prevailed.

Hausman moved that the name of Metsa be added as an author on H. F. No. 2784. The motion prevailed.

Anderson, M., moved that the name of Whelan be added as an author on H. F. No. 3160. The motion prevailed.

Dehn, R., moved that the name of Kahn be added as an author on H. F. No. 3649. The motion prevailed.

Hackbarth moved that the name of Pugh be added as an author on H. F. No. 3925. The motion prevailed.

Baker moved that the name of Kiel be added as an author on H. F. No. 3999. The motion prevailed.

ADJOURNMENT

Peppin moved that when the House adjourns today it adjourn until 9:00 a.m., Friday, May 13, 2016. The motion prevailed.

Peppin moved that the House adjourn. The motion prevailed, and Speaker pro tempore Garofalo declared the House stands adjourned until 9:00 a.m., Friday, May 13, 2016.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

