

STATE OF MINNESOTA

NINETIETH SESSION — 2018

 NINETY-FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 10, 2018

The House of Representatives convened at 10:00 a.m. and was called to order by David Bly, Speaker pro tempore.

Prayer was offered by the Reverend LeeAnne Watkins, St. Mary's Episcopal Church, St. Paul, 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 | Dettmer | Hertaus | Lohmer | O'Driscoll | Scott |
| Anderson, P. | Drazkowski | Hilstrom | Loon | Olson | Smith |
| Anderson, S. | Ecklund | Hoppe | Loonan | O'Neill | Sundin |
| Anselmo | Erickson | Hornstein | Lucero | Pelowski | Swedzinski |
| Backer | Fabian | Hortman | Lueck | Peppin | Theis |
| Bahr, C. | Fenton | Howe | Mahoney | Petersburg | Torkelson |
| Baker | Fischer | Jessup | Marquart | Peterson | Uglen |
| Barr, R. | Franke | Johnson, B. | Masin | Pierson | Urdahl |
| Bennett | Franson | Johnson, C. | Maye Quade | Pinto | Vogel |
| Bernardy | Freiberg | Jurgens | McDonald | Poppe | Wagenius |
| Bly | Garofalo | Kiel | Metsa | Poston | Ward |
| Carlson, A. | Green | Knoblach | Miller | Pryor | West |
| Carlson, L. | Grossell | Koegel | Moran | Pugh | Whelan |
| Christensen | Gruenhagen | Koznick | Munson | Quam | Wills |
| Clark | Gunther | Kresha | Murphy, E. | Rarick | Youakim |
| Considine | Haley | Kunesh-Podein | Murphy, M. | Rosenthal | Zerwas |
| Daniels | Halverson | Layman | Nash | Runbeck | Spk. Daudt |
| Davids | Hamilton | Lee | Nelson | Sandstede | |
| Davnie | Hansen | Lesch | Neu | Sauke | |
| Dean, M. | Hausman | Liebling | Newberger | Schomacker | |
| Dehn, R. | Heintzeman | Lien | Nornes | Schultz | |

A quorum was present.

Bliss; Johnson, S.; Lillie and Slocum were excused.

Flanagan, Loeffler, Mariani and Omar were excused until 10:35 a.m. Allen and Becker-Finn were excused until 1:00 p.m. Applebaum was excused until 1:10 p.m.

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

The Speaker assumed the Chair.

REPORTS OF CHIEF CLERK

S. F. No. 1943 and H. F. No. 2475, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

Sandstede moved that S. F. No. 1943 be substituted for H. F. No. 2475 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3000 and H. F. No. 3212, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Neu moved that S. F. No. 3000 be substituted for H. F. No. 3212 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3001 and H. F. No. 3213, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

Munson moved that S. F. No. 3001 be substituted for H. F. No. 3213 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3102 and H. F. No. 3448, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

Quam moved that S. F. No. 3102 be substituted for H. F. No. 3448 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3143 and H. F. No. 3404, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

Albright moved that S. F. No. 3143 be substituted for H. F. No. 3404 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 9, 2018

The Honorable Kurt Daudt
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Daudt:

I write to inform you that I have vetoed H. F. No. 3280, the Wild Rice Bill, because it is an extreme overreach that eliminates important protections for wild rice, attempts to exempt Minnesota from the federal Clean Water Act, and ensures ongoing litigation that will prolong, not relieve, the current regulatory uncertainties.

Instead, I urge Legislative Leaders to use the remainder of this Session to bring the different stakeholders together and forge a resolution that respects the federal law, provides regulatory certainty to affected companies and municipalities, and protects our priceless wild rice resource for future generations.

Wild rice is very special to Minnesota. It is essential to the culture and spirituality of many Native American Tribes in our state. In 1973, the state set a 10 mg/L sulfate standard to protect wild rice. That standard has proven to be extremely difficult to implement, due in part to the current costs of sulfate treatment. Furthermore, recent scientific studies have questioned whether the sulfate limit needs to be that low in all wild rice waters to provide the protection it needs.

However, the bill passed this week by the Legislature does not solve the law's implementation challenges or provide regulatory certainty to those industrial and municipal operations affected by it. Instead, it throws out all we have learned about wild rice and sulfate and takes Minnesota backward in our efforts to balance the necessary protections of wild rice with the economic imperatives of jobs and environmentally sound industrial progress.

The bill you have sent to me is in direct conflict with federal law. If enacted, the Minnesota Pollution Control Agency (MPCA) would have to submit scientific evidence to the Environmental Protection Agency (EPA) that demonstrates how the state can repeal its current 10 mg/L sulfate standard and still protect wild rice. This puts the Agency in an impossible bind, as the research it conducted – at the direction of the Legislature – demonstrated the need for a sulfate standard to protect the growth of wild rice. Furthermore, if the Agency tried to issue any permits after the Legislature repealed the 10 mg/L standard without EPA approval of that repeal, municipalities and businesses seeking new permits could not expand or modify their discharges, creating additional regulatory limbo and litigation. Without a scientifically defensible basis for the repeal of the existing standard, the EPA should have to rule that it violates the Clean Water Act.

In 2011, the Legislature directed the MPCA to develop a new wild rice standard. Now, however, some Legislators have decided – based upon their own subjective analyses – that they do not like the science. In response, they have attempted to abolish the standard and pretend that it solves the problem.

This Legislature can do better. Minnesotans – including those whose cultural, environmental, and economic interests are invested in this complex issue – deserve much better. I, for one, believe strongly that working together, we can achieve a more ideal, workable, and sustainable solution for all the people of Minnesota.

For these reasons, today I am vetoing H. F. No. 3280 immediately to provide adequate time to resolve this issue during the remainder of this Legislative Session.

Sincerely,

MARK DAYTON
Governor

REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 3424, A bill for an act relating to state lands; modifying lease provisions; modifying requirements of public land sales; adding to and deleting from state parks and forests; authorizing certain mixed uses; providing for sales and conveyances of interests in state lands; amending Minnesota Statutes 2016, sections 92.50, by adding a subdivision; 92.502; 94.10, subdivision 2; Minnesota Statutes 2017 Supplement, section 89.17; Laws 2015, chapter 25, section 7; Laws 2017, chapter 93, article 2, section 155, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 103F; repealing Laws 2008, chapter 368, article 1, section 21, subdivision 2.

Reported the same back with the following amendments:

Page 4, line 18, delete "legally described as the North 33 feet"

Page 4, line 19, delete the first "of" and insert "in"

Page 10, line 14, delete "must" and insert "has agreed to"

Page 14, after line 12, insert:

"Sec. 18. **CONVEYANCE OF TAX-FORFEITED LAND; SHERBURNE COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 282.01, subdivision 1a, and the public sale provisions of Minnesota Statutes, chapter 282, Sherburne County may convey to the city of Big Lake for no consideration the tax-forfeited land described in paragraph (c).

(b) The land must be conveyed in fee title, subject only to the reservation of mineral rights to the state. The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be conveyed is located in Sherburne County and is described as: Outlot A, Habitat 1st Addition, Section 30, Township 33, Range 27 (parcel identification 65-451-0010).

(d) The county has determined that the land is needed by the city of Big Lake to store drainage of surface water and for future use as a park.

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

Page 14, after line 14, insert:

"Sec. 20. **EFFECTIVE DATE.**

Sections 1 to 19 are effective the day following final enactment."

Renumber the sections in sequence

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

The report was adopted.

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

H. F. No. 4404, A bill for an act relating to capital investment; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; modifying previous appropriations; establishing new programs and modifying existing programs; authorizing the sale and issuance of state bonds; appropriating money; amending Minnesota Statutes 2016, sections 16A.86, subdivision 4; 16B.335, subdivision 1; 462A.37, subdivisions 1, 2, by adding a subdivision; Minnesota Statutes 2017 Supplement, sections 219.016, subdivision 4; 326B.124; 446A.073, by adding a subdivision; 462A.37, subdivision 5; Laws 2009, chapter 93, article 1, section 14, subdivision 3, as amended; Laws 2014, chapter 294, article 1, sections 5, subdivision 3; 21, subdivision 12, as amended; 22, subdivision 5; Laws 2014, chapter 295, section 9; Laws 2015, First Special Session chapter 5, article 1, section 10, subdivision 3, as amended; Laws 2017, First Special Session chapter 8, article 1, sections 6, subdivision 6; 15, subdivisions 3, 6, 11, 13; 16, subdivision 7; 17, subdivision 9; 19, subdivision 3; 20, subdivision 21; 21, subdivision 8; 23, subdivision 3; 27; proposing coding for new law in Minnesota Statutes, chapter 446A.

Reported the same back with the following amendments:

Page 21, line 4, delete "114,141,000" and insert "120,141,000"

Page 23, after line 11, insert:

"Subd. 6. **Port Development Assistance** 6,000,000

For grants under Minnesota Statutes, chapter 457A. Any improvements made with the proceeds of these grants must be publicly owned.

Subd. 7. **Corridors of Commerce** 145,000,000

From the bond proceeds account in the trunk highway fund for the corridors of commerce program under Minnesota Statutes, section 161.088.

The commissioner may use up to 17 percent of the amount for program delivery.

Subd. 8. **Trunk Highway-Rail Grade Separations** 75,000,000

From the bond proceeds account in the trunk highway fund for trunk highway-rail grade separation projects: (1) identified as priority grade separation recommendations in the final report on highway-rail grade crossing improvements submitted under Laws 2014, chapter 312, article 10, section 10; and (2) for which trunk highway bond proceeds are a permissible use.

If any proceeds under this subdivision remain following a determination by the commissioner that sufficient resources have been committed to complete all eligible projects, the remaining amount is available for the corridors of commerce program under Minnesota Statutes, section 161.088.

Subd. 9. Transportation Facilities Capital30,000,000

From the bond proceeds account in the trunk highway fund for the transportation facilities capital program under Minnesota Statutes, section 174.13."

Page 24, line 24, after "design," insert "construct."

Page 27, line 16, after "To" insert "design and"

Page 28, line 13, delete "87,719,000" and insert "81,719,000"

Page 28, line 21, delete "10,000,000" and insert "4,000,000"

Page 31, line 24, after the period, insert "The nonstate contribution may be made in-kind. In-kind contributions may include site preparation, whether begun before or after the effective date of this section."

Page 34, line 5, before the period, insert ", and \$2,000,000 is for a grant to the city of Albertville to design and construct wastewater infrastructure improvements"

Page 36, line 15, delete "20,000" and insert "270,000"

Page 37, line 8, delete "\$15,880,000" and insert "\$266,130,000"

Page 37, line 25, delete "\$1,153,149,000" and insert "\$1,138,524,000"

Page 39, after line 18, insert:

"Sec. 3. Minnesota Statutes 2016, section 16B.35, is amended by adding a subdivision to read:

Subd. 1c. **PFA excluded.** Notwithstanding subdivision 1, an appropriation to the Public Facilities Authority, and project financing provided by the authority from the appropriation, may not include an amount to acquire works of art.

Sec. 4. **[174.13] TRANSPORTATION FACILITIES CAPITAL PROGRAM.**

Subdivision 1. **Program established.** (a) A transportation facilities capital program is established to prioritize among eligible projects that:

(1) support the programmatic mission of the department;

(2) extend the useful life of existing buildings; or

(3) renovate or construct facilities to meet the department's current and future operational needs.

(b) Projects under the transportation facilities capital program may be funded by proceeds from the sale of trunk highway bonds or from other funds appropriated for the purposes of this section.

Subd. 2. **Accounts.** (a) A transportation facilities capital account is established in the trunk highway fund. The account consists of all money made available from the trunk highway fund for the purposes of this section and any other money donated, allotted, transferred, or otherwise provided to the account by law. Money in the account is appropriated to the commissioner for the purposes specified and consistent with the standards and criteria set forth in this section.

(b) A transportation facilities capital account is established in the bond proceeds account of the trunk highway fund. The account consists of trunk highway bond proceeds appropriated to the commissioner for the transportation facilities capital program. Money in the account may only be expended on trunk highway purposes, which includes the purposes in this section.

Subd. 3. **Standards.** (a) The legislature finds that many projects for preservation and replacement of portions of existing capital assets constitute the construction, improvement, and maintenance of the public highway system within the meaning of the Minnesota Constitution, article XIV, section 11, and capital expenditures under generally accepted accounting principles as applied to public expenditures. Projects can be financed more efficiently and economically under the program than by direct appropriations for specific projects.

(b) When allocating funding under this section, the commissioner must review the projects deemed eligible under subdivision 4 and prioritize allocations using the criteria in subdivision 5. Money allocated to a specific project in an appropriation or other law must be allocated as provided by the law.

Subd. 4. **Eligible expenditures; limitations.** (a) A project is eligible under this section only if it is a capital expenditure on a capital building asset owned or to be owned by the state within the meaning of generally accepted accounting principles as applied to public expenditures.

(b) Capital budget expenditures that are eligible under this section include but are not limited to: (1) acquisition of land and buildings; and (2) the predesign, engineering, construction, furnishing, and equipping of district headquarter buildings, truck stations, salt storage or other unheated storage buildings, deicing and anti-icing facilities, fuel dispensing facilities, highway rest areas, and vehicle weigh and inspection stations.

Subd. 5. **Criteria for priorities.** When prioritizing funding allocation among projects eligible under subdivision 4, the commissioner must consider:

(1) whether a project ensures the effective and efficient condition and operation of the facility;

(2) the urgency in ensuring the safe use of existing buildings;

(3) the project's total life-cycle cost;

(4) additional criteria for priorities otherwise specified in state law, statute, or rule that applies to a category listed in the act making an appropriation for the program; and

(5) any other criteria the commissioner deems necessary."

Page 40, after line 2, insert:

"Sec. 6. Minnesota Statutes 2017 Supplement, section 222.49, is amended to read:

222.49 RAIL SERVICE IMPROVEMENT ACCOUNT ACCOUNTS; APPROPRIATION.

~~The~~ (a) A rail service improvement account is created in the special revenue fund in the state treasury. The account consists of funds as provided by law, and any other money donated, allotted, transferred, or otherwise provided to the account, excluding bond proceeds as authorized by article XI, section 5, clause (i), of the Minnesota Constitution. All money so deposited is appropriated to the department for expenditure for rail service improvement in accordance with applicable state and federal law. This appropriation shall not lapse but shall be available until the purpose for which it was appropriated has been accomplished.

(b) A rail service improvement account is created in the bond proceeds fund. The account consists of state bond proceeds appropriated to the commissioner. Money in the account may only be expended for the purposes specified in section 222.50 that are permitted under the Minnesota Constitution, article XI, section 5, clause (a) or (i).

EFFECTIVE DATE. Notwithstanding the order of enactment, this section does not take effect if Minnesota Statutes 2017 Supplement, section 222.49, is repealed by another law enacted in the 2018 regular session.

Page 40, delete section 5 and insert:

"Sec. 8. Minnesota Statutes 2017 Supplement, section 446A.073, subdivision 1, is amended to read:

Subdivision 1. **Program established.** When money is appropriated for grants under this program, the authority shall award grants up to a maximum of ~~\$7,000,000~~ \$9,000,000 to governmental units to cover 80 percent of the cost of water infrastructure projects made necessary by:

(1) a wasteload reduction prescribed under a total maximum daily load plan required by section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313(d);

(2) a phosphorus concentration or mass limit which requires discharging one milligram per liter or less at permitted design flow which is incorporated into a permit issued by the Pollution Control Agency;

(3) any other water quality-based effluent limit established under section 115.03, subdivision 1, paragraph (e), clause (8), and incorporated into a permit issued by the Pollution Control Agency that exceeds secondary treatment limits; or

(4) a total nitrogen concentration or mass limit that requires discharging ten milligrams per liter or less at permitted design flow."

Page 41, line 16, delete ", subdivisions 4 and 6"

Page 42, line 5, delete "62" and insert "55"

Page 45, line 8, delete "2c" and insert "2d"

Page 62, delete section 29 and insert:

"Sec. 32. **APPROPRIATION; ANALYZING COSTS AND RATEPAYER IMPACTS OF WATER QUALITY REGULATIONS.**

(a) \$500,000 in fiscal year 2020 and \$500,000 in fiscal year 2021 are appropriated from the general fund to the commissioner of administration for a grant to any Minnesota higher education institution or municipal joint powers organization under Minnesota Statutes, section 471.59, established prior to January 1, 2018, to review water quality regulations and national pollutant discharge elimination system permits. The municipal joint powers organization must be composed of at least 20 cities or sanitary districts located outside the seven-county metropolitan area as defined under Minnesota Statutes, section 473.121, subdivision 2, and must have experience in reviewing water quality regulations and permits. The grant is subject to Minnesota Statutes, section 16B.98. The grantee may select the water quality regulations and permits to be reviewed, but must give preference to reviewing any draft NPDES permit that has new effluent limit requirements for a publicly owned wastewater treatment facility outside the seven-county metropolitan area. Any permit review must analyze the technical accuracy of the permit, the costs to the permittee to comply with the permit, the impact on business and residential rates, the water quality benefit of permit compliance, and the anticipated funding for the permittee from federal and state sources. This appropriation is available until expended.

(b) Upon completion of the permit review, the grantee must provide a copy of the review to the permittee and the commissioner of the Pollution Control Agency. The grantee must also submit a report summarizing its findings in each permit review performed in the previous calendar year to the chairs and ranking minority members of the legislative committees with jurisdiction over capital investment, environmental finance and policy, and job growth."

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

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. Nos. 3424 and 4404 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1943, 3000, 3001, 3102 and 3143 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Kunesh-Podein introduced:

H. F. No. 4495, A bill for an act relating to capital investment; appropriating money for a grant to the city of St. Anthony Village for flood hazard mitigation; authorizing the sale and issuance of state bonds.

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

Lien and Marquart introduced:

H. F. No. 4496, A bill for an act relating to capital investment; appropriating money for a rail grade crossing separation in Moorhead at 21st Street South; authorizing the sale and issuance of state bonds.

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

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:

H. F. No. 1876, A bill for an act relating to data practices; permitting trade associations to access vehicle registration information in certain circumstances; amending Minnesota Statutes 2016, sections 13.6905, subdivision 3; 168.345, subdivision 2.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 893, 2869 and 2949.

CAL R. LUDEMAN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 893, A bill for an act relating to notaries public; enacting the Revised Uniform Law on Notarial Acts, as amended, approved by the National Conference of Commissioners on Uniform State Laws; amending Minnesota Statutes 2016, sections 5.15; 325K.23, subdivision 1; 358.50; 359.01, subdivisions 4, 5, by adding a subdivision; 359.04; 507.24, subdivision 2; 508.48; 508A.48; Minnesota Statutes 2017 Supplement, section 358.116; proposing coding for new law in Minnesota Statutes, chapter 358; repealing Minnesota Statutes 2016, sections 358.41; 358.42; 358.43; 358.44; 358.45; 358.46; 358.47; 358.48; 358.49; 359.12.

The bill was read for the first time.

Smith moved that S. F. No. 893 and H. F. No. 1609, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2869, A bill for an act relating to transportation; eliminating a tariff filing requirement for certain motor carriers; amending Minnesota Statutes 2016, sections 174.66; 221.036, subdivisions 1, 3; 221.122, subdivision 1; 221.161, subdivision 1, by adding a subdivision; 221.171, subdivision 1; repealing Minnesota Statutes 2016, section 221.161, subdivisions 2, 3, 4.

The bill was read for the first time.

Bahr, C., moved that S. F. No. 2869 and H. F. No. 3282, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2949, A bill for an act relating to housing; amending requirements for residential leases; amending Minnesota Statutes 2016, sections 504B.111; 504B.206, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 504B.

The bill was read for the first time.

Omar moved that S. F. No. 2949 and H. F. No. 3582, 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 to meet with the Senate in Joint Convention to elect members of the Board of Regents of the University of Minnesota. The motion prevailed.

RECESS

RECONVENED

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

Kresha was excused between the hours of 10:30 a.m. and 1:10 p.m.

The Sergeant at Arms announced the arrival of the members of the Senate and they were escorted to the seats reserved for them at the front of the Chamber.

JOINT CONVENTION

The Speaker of the House, as President of the Joint Convention, called the Joint Convention to order.

Prayer was offered by Pastor Mike Smith, Redeeming Love Lutheran Church, Maplewood, Minnesota.

The roll being called, the following Senators answered to their names: Abeler; Anderson, B., and Anderson, P.

Senator Gazelka moved that further proceedings of the roll call be suspended. The motion prevailed and a quorum was declared present.

COMMUNICATION FROM THE JOINT LEGISLATIVE COMMITTEE FOR CANDIDATES FOR A VACANCY ON THE BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA

May 8, 2018

Dear Speaker Daudt, Majority Leader Gazelka, and Minority Leaders Hortman and Bakk:

Pursuant to Minnesota Statutes 2017, section 137.0246, subdivision 2, and, Joint Rule of the Senate and House 4.01, the Joint Legislative Committee met on May 7, 2018 to consider candidates for vacancy on the University of Minnesota Board of Regents.

The Joint Legislative Committee allowed all candidates who submitted applications to the Legislative Coordinating Commission an opportunity to address the Joint Committee and respond to questions.

After hearing from all candidates, the Joint Legislative Committee voted according to the joint rules of procedure. Based on a unanimous vote from members of the Joint Legislative Committee, we respectfully recommend the following names to the Joint Convention:

First Congressional District: Mary Davenport and Brooks Edwards.

Respectfully submitted,

SENATOR MICHELLE FISCHBACH
Co-Chair, Joint Legislative Committee

REPRESENTATIVE BUD NORNES
Co-Chair, Joint Legislative Committee

ELECTION OF A MEMBER TO THE BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA

Pursuant to the Joint Rules of the Senate and House of Representatives, the Joint Convention proceeded to elect a Regent from the First Congressional District.

Mary Davenport and Brooks Edwards were nominated by the Joint Legislative Committee for the First Congressional District Regent for the remainder of the term of Patricia Simmons.

Randy Simonson was nominated by Representative Christensen for the First Congressional District Regent for the remainder of the term of Patricia Simmons.

There being no further nominations, the President declared the nominations closed.

The Secretary called the roll.

FIRST CONGRESSIONAL DISTRICT REGENT JOINT ROLL CALL

The following members of the Senate voted for Mary Davenport:

| | | | | | |
|----------|------------|----------|--------|----------|------------|
| Abeler | Cwodzinski | Frentz | Klein | Newton | Tomassoni |
| Bakk | Dibble | Hawj | Laine | Pappas | Torres Ray |
| Bigham | Dziedzic | Hayden | Latz | Rest | Wiger |
| Carlson | Eaton | Hoffman | Little | Rosen | Wiklund |
| Champion | Eken | Isaacson | Lourey | Simonson | |
| Clausen | Franzen | Kent | Marty | Sparks | |

The following members of the House of Representatives voted for Mary Davenport:

| | | | | | |
|----------|-------------|-----------|----------|----------|-----------|
| Bennett | Carlson, A. | Considine | Dehn, R. | Flanagan | Halverson |
| Bernardy | Carlson, L. | Dauids | Ecklund | Freiberg | Hansen |
| Bly | Clark | Davnie | Fischer | Gunther | Hausman |

| | | | | | |
|---------------|----------|------------|------------|-----------|----------|
| Hilstrom | Lee | Marquart | Murphy, M. | Poppe | Sundin |
| Hornstein | Lesch | Masin | Nelson | Pryor | Wagenius |
| Hortman | Liebling | Maye Quade | Olson | Rosenthal | Ward |
| Johnson, C. | Lien | Metsa | Omar | Sandstede | Youakim |
| Koegel | Loeffler | Moran | Pelowski | Sauke | |
| Kunesh-Podein | Mariani | Murphy, E. | Pinto | Schultz | |

Mary Davenport received 86 votes.

The following members of the Senate voted for Randy Simonson:

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

The following members of the House of Representatives voted for Randy Simonson:

| | | | | | |
|--------------|------------|-------------|------------|------------|-------------|
| Albright | Drazkowski | Heintzeman | Loon | O'Neill | Smith |
| Anderson, P. | Erickson | Hertaus | Loonan | Peppin | Swedzinski |
| Anderson, S. | Fabian | Hoppe | Lucero | Petersburg | Theis |
| Anselmo | Fenton | Howe | Lueck | Peterson | Torkelson |
| Backer | Franke | Jessup | McDonald | Pierson | Uglen |
| Bahr, C. | Franson | Johnson, B. | Miller | Poston | Urdahl |
| Baker | Garofalo | Jurgens | Munson | Pugh | Vogel |
| Barr, R. | Green | Kiel | Nash | Quam | West |
| Christensen | Grossell | Knoblach | Neu | Rarick | Whelan |
| Daniels | Gruenhagen | Koznick | Newberger | Runbeck | Wills |
| Dean, M. | Haley | Layman | Nornes | Schomacker | Zerwas |
| Dettmer | Hamilton | Lohmer | O'Driscoll | Scott | Pres. Daudt |

Randy Simonson received 104 votes.

Senator Cohen voted for Brooks Edwards.

DECLARATION OF ELECTION

Randy Simonson, having received 104 votes, a majority of the votes cast, was declared elected Regent for the First Congressional District by the President of the Joint Convention, for the remainder of the term of Patricia Simmons.

Senator Gazelka moved that the Joint Convention adjourn. The motion prevailed and the President declared the Joint Convention adjourned.

RECONVENED

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

CERTIFICATION

May 10, 2018

To the Governor
State of Minnesota

To the Senate
State of Minnesota

To the House of Representatives
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Thursday, May 10, 2018, have elected as a member of the Board of Regents of the University of Minnesota the following member to hold office for the remainder of the term of Patricia Simmons:

Randy Simonson, First Congressional District.

MICHELLE L. FISCHBACH
President of the Senate

KURT DAUDT
Speaker of the House of Representatives

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 Speaker pro tempore Garofalo.

Freiberg and Hilstrom were excused for the remainder of today's session.

ANNOUNCEMENT BY THE SPEAKER
PURSUANT TO RULE 1.15(c)

A message from the Senate has been received requesting concurrence by the House to amendments adopted by the Senate to the following House Files:

H. F. Nos. 1243 and 3249.

REPORTS FROM THE COMMITTEE ON RULES
AND LEGISLATIVE ADMINISTRATION

Peppin from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Monday, May 14, 2018 and established a prefiling requirement for amendments offered to the following bills:

H. F. Nos. 3421, 3422 and 3423; S. F. Nos. 3638 and 3245; H. F. Nos. 4404, 3221, 3380, 3799, 4133, 4425, 3666, 3567 and 3759; S. F. No. 3461; H. F. No. 3790; S. F. No. 3000; and H. F. No. 3660.

Peppin from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Tuesday, May 15, 2018 and established a prefiling requirement for amendments offered to the following bills:

S. F. Nos. 2863, 3673, 2809, 3367, 2675, 2685, 3310, 3143, 2991, 3569, 2683, 3102 and 3480; and H. F. No. 3873.

CALENDAR FOR THE DAY

S. F. No. 2762, A bill for an act relating to human services; modifying the construction project rate for certain nursing facilities; amending Minnesota Statutes 2016, section 256B.434, 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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|-------------|------------|------------|-------------|---------------|
| Albright | Bernardy | Dehn, R. | Garofalo | Hertaus | Koegel |
| Allen | Bly | Dettmer | Green | Hoppe | Koznick |
| Anderson, P. | Carlson, A. | Drazkowski | Grossell | Hornstein | Kunesh-Podein |
| Anderson, S. | Carlson, L. | Ecklund | Gruenhagen | Hortman | Layman |
| Anselmo | Christensen | Erickson | Gunther | Howe | Lee |
| Backer | Clark | Fabian | Haley | Jessup | Lesch |
| Bahr, C. | Considine | Fenton | Halverson | Johnson, B. | Liebling |
| Baker | Daniels | Fischer | Hamilton | Johnson, C. | Lien |
| Barr, R. | Davids | Flanagan | Hansen | Jurgens | Loeffler |
| Becker-Finn | Davnie | Franke | Hausman | Kiel | Lohmer |
| Bennett | Dean, M. | Franson | Heintzeman | Knoblach | Loon |

| | | | | | |
|------------|------------|------------|------------|------------|------------|
| Loonan | Miller | O'Driscoll | Poston | Schultz | Wagenius |
| Lucero | Moran | Olson | Pryor | Scott | West |
| Lueck | Munson | O'Neill | Pugh | Smith | Whelan |
| Mahoney | Murphy, E. | Pelowski | Quam | Sundin | Wills |
| Mariani | Murphy, M. | Peppin | Rarick | Swedzinski | Youakim |
| Marquart | Nash | Petersburg | Rosenthal | Theis | Zerwas |
| Masin | Nelson | Peterson | Runbeck | Torkelson | Spk. Daudt |
| Maye Quade | Neu | Pierson | Sandstede | Uglen | |
| McDonald | Newberger | Pinto | Sauke | Urdahl | |
| Metsa | Nornes | Poppe | Schomacker | Vogel | |

The bill was passed and its title agreed to.

Swedzinski was excused between the hours of 1:10 p.m. and 1:20 p.m.

S. F. No. 2849 was reported to the House.

Halverson moved to amend S. F. No. 2849 as follows:

Page 3, after line 23, insert:

"(e) Nothing in this section shall be construed to require a licensed or registered health care provider, or person operating under the authority of the provider, to provide a patient with:

(1) information that is not medically accurate and appropriate for the patient in the health care provider's reasonable professional judgment; or

(2) a health care service in a manner that is not evidence-based and appropriate for the patient in the health care provider's reasonable professional judgment."

A roll call was requested and properly seconded.

Halverson moved to amend the Halverson amendment to S. F. No. 2849 as follows:

Page 1, after line 9, insert:

"(f) Nothing in this section shall be construed to prohibit a licensed or registered health care provider, or a person operating under the authority of the provider, from providing a patient with:

(1) information that is medically accurate and appropriate for the patient in the health care provider's reasonable professional judgment; or

(2) a health care service in a manner that is evidence-based and appropriate for the patient in the health care provider's reasonable professional judgment."

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

The question recurred on the Halverson amendment and the roll was called. There were 48 yeas and 79 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|-------------|-----------|---------------|------------|------------|-----------|
| Allen | Clark | Hansen | Lesch | Metsa | Pryor |
| Anselmo | Considine | Hausman | Liebling | Moran | Rosenthal |
| Applebaum | Davnie | Hornstein | Lien | Murphy, E. | Sauke |
| Becker-Finn | Dehn, R. | Hortman | Loeffler | Nelson | Schultz |
| Bernardy | Ecklund | Johnson, C. | Mahoney | Olson | Sundin |
| Bly | Fischer | Koegel | Mariani | Omar | Wagenius |
| Carlson, A. | Flanagan | Kunesh-Podein | Masin | Pinto | Ward |
| Carlson, L. | Halverson | Lee | Maye Quade | Poppe | Youakim |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|-------------|------------|------------|------------|
| Albright | Erickson | Hoppe | Lueck | Petersburg | Torkelson |
| Anderson, P. | Fabian | Howe | Marquart | Peterson | Uglem |
| Anderson, S. | Fenton | Jessup | McDonald | Pierson | Urdahl |
| Backer | Franke | Johnson, B. | Miller | Poston | Vogel |
| Bahr, C. | Franson | Jurgens | Munson | Pugh | West |
| Baker | Garofalo | Kiel | Murphy, M. | Quam | Whelan |
| Barr, R. | Green | Knoblach | Nash | Rarick | Wills |
| Bennett | Grossell | Koznick | Neu | Runbeck | Zerwas |
| Christensen | Gruenhagen | Kresha | Newberger | Sandstede | Spk. Daudt |
| Daniels | Gunther | Layman | Nornes | Schomacker | |
| Davids | Haley | Lohmer | O'Driscoll | Scott | |
| Dean, M. | Hamilton | Loon | O'Neill | Smith | |
| Dettmer | Heintzeman | Loonan | Pelowski | Swedzinski | |
| Drazkowski | Hertaus | Lucero | Peppin | Theis | |

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

S. F. No. 2849, A bill for an act relating to health; requiring physicians to allow viewing of ultrasound imaging prior to an abortion; amending Minnesota Statutes 2016, section 145.4242.

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 79 yeas and 48 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|------------|-------------|------------|------------|
| Albright | Davids | Green | Jessup | Loonan | Newberger |
| Anderson, P. | Dean, M. | Grossell | Johnson, B. | Lucero | Nornes |
| Anderson, S. | Dettmer | Gruenhagen | Jurgens | Lueck | O'Driscoll |
| Backer | Drazkowski | Gunther | Kiel | Marquart | O'Neill |
| Bahr, C. | Erickson | Haley | Knoblach | McDonald | Pelowski |
| Baker | Fabian | Hamilton | Koznick | Miller | Peppin |
| Barr, R. | Fenton | Heintzeman | Kresha | Munson | Petersburg |
| Bennett | Franke | Hertaus | Layman | Murphy, M. | Peterson |
| Christensen | Franson | Hoppe | Lohmer | Nash | Pierson |
| Daniels | Garofalo | Howe | Loon | Neu | Poston |

| | | | | |
|---------|------------|------------|--------|------------|
| Pugh | Sandstede | Swedzinski | Urdahl | Wills |
| Quam | Schomacker | Theis | Vogel | Zerwas |
| Rarick | Scott | Torkelson | West | Spk. Daudt |
| Runbeck | Smith | Uglem | Whelan | |

Those who voted in the negative were:

| | | | | | |
|-------------|-----------|---------------|------------|------------|-----------|
| Allen | Clark | Hansen | Lesch | Metsa | Pryor |
| Anselmo | Considine | Hausman | Liebling | Moran | Rosenthal |
| Applebaum | Davnie | Hornstein | Lien | Murphy, E. | Sauke |
| Becker-Finn | Dehn, R. | Hortman | Loeffler | Nelson | Schultz |
| Bernardy | Ecklund | Johnson, C. | Mahoney | Olson | Sundin |
| Bly | Fischer | Koegel | Mariani | Omar | Wagenius |
| Carlson, A. | Flanagan | Kunesh-Podein | Masin | Pinto | Ward |
| Carlson, L. | Halverson | Lee | Maye Quade | Poppe | Youakim |

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

S. F. No. 614, A bill for an act relating to health licensing; modifying the Minnesota Athletic Trainers Act and Minnesota Psychology Practice Act; amending Minnesota Statutes 2016, sections 148.7802, subdivisions 2, 3, 6, 9; 148.7803; 148.7804; 148.7805, subdivisions 1, 3; 148.7806; 148.7808, subdivision 1; 148.7809, subdivisions 1, 2, 4; 148.7810, subdivisions 1, 3; 148.7811; 148.7812, subdivisions 1, 2, 4; 148.7813, subdivision 5; 148.7815; 148.915; Minnesota Statutes 2017 Supplement, section 148.925, subdivisions 5, 6; repealing Minnesota Statutes 2016, sections 148.7808, subdivisions 3, 4, 5; 148.7812, subdivisions 3, 5.

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 123 yeas and 4 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|-----------|-------------|---------------|------------|------------|
| Albright | Considine | Gruenhagen | Knoblach | Masin | Petersburg |
| Allen | Daniels | Gunther | Koegel | Maye Quade | Peterson |
| Anderson, P. | Davids | Haley | Koznick | McDonald | Pierson |
| Anderson, S. | Davnie | Halverson | Kresha | Metsa | Pinto |
| Anselmo | Dean, M. | Hamilton | Kunesh-Podein | Miller | Poppe |
| Applebaum | Dehn, R. | Hansen | Layman | Moran | Poston |
| Backer | Dettmer | Hausman | Lee | Murphy, E. | Pryor |
| Bahr, C. | Ecklund | Heintzeman | Lesch | Murphy, M. | Pugh |
| Baker | Erickson | Hertaus | Liebling | Nash | Quam |
| Barr, R. | Fabian | Hoppe | Lien | Nelson | Rarick |
| Becker-Finn | Fenton | Hornstein | Loeffler | Neu | Rosenthal |
| Bennett | Fischer | Hortman | Lohmer | Newberger | Runbeck |
| Bernardy | Flanagan | Howe | Loon | Nornes | Sandstede |
| Bly | Franke | Jessup | Loonan | O'Driscoll | Sauke |
| Carlson, A. | Franson | Johnson, B. | Lueck | Olson | Schomacker |
| Carlson, L. | Garofalo | Johnson, C. | Mahoney | Omar | Schultz |
| Christensen | Green | Jurgens | Mariani | O'Neill | Scott |
| Clark | Grossell | Kiel | Marquart | Pelowski | Smith |

| | | | | |
|------------|-----------|----------|--------|------------|
| Sundin | Torkelson | Vogel | West | Youakim |
| Swedzinski | Uglen | Wagenius | Whelan | Zerwas |
| Theis | Urdahl | Ward | Wills | Spk. Daudt |

Those who voted in the negative were:

| | | | |
|------------|--------|--------|--------|
| Drazkowski | Lucero | Munson | Peppin |
|------------|--------|--------|--------|

The bill was passed and its title agreed to.

S. F. No. 2578 was reported to the House.

Franke moved to amend S. F. No. 2578, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3479, the first engrossment:

"ARTICLE 1
CONTROLLED-SUBSTANCE RELATED CHANGES

Section 1. Minnesota Statutes 2017 Supplement, section 152.02, subdivision 2, is amended to read:

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

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

- (1) acetylmethadol;
- (2) allylprodine;
- (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl acetate);
- (4) alphameprodine;
- (5) alphasmethadol;
- (6) alpha-methylfentanyl benzethidine;
- (7) betacetylmethadol;
- (8) betameprodine;
- (9) betamethadol;
- (10) betaprodine;
- (11) clonitazene;

- (12) dextromoramide;
- (13) diampromide;
- (14) diethylambutene;
- (15) difenoxin;
- (16) dimenoxadol;
- (17) dimepheptanol;
- (18) dimethylambutene;
- (19) dioxaphetyl butyrate;
- (20) dipipanone;
- (21) ethylmethylthiambutene;
- (22) etonitazene;
- (23) etoxeridine;
- (24) furethidine;
- (25) hydroxypethidine;
- (26) ketobemidone;
- (27) levomoramide;
- (28) levophenacymorphan;
- (29) 3-methylfentanyl;
- (30) acetyl-alpha-methylfentanyl;
- (31) alpha-methylthiofentanyl;
- (32) benzylfentanyl beta-hydroxyfentanyl;
- (33) beta-hydroxy-3-methylfentanyl;
- (34) 3-methylthiofentanyl;
- (35) thenylfentanyl;
- (36) thiofentanyl;
- (37) para-fluorofentanyl;

- (38) morpheridine;
- (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- (40) noracymethadol;
- (41) norlevorphanol;
- (42) normethadone;
- (43) norpipanone;
- (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- (45) phenadoxone;
- (46) phenampromide;
- (47) phenomorphan;
- (48) phenoperidine;
- (49) piritramide;
- (50) proheptazine;
- (51) properidine;
- (52) propiram;
- (53) racemoramide;
- (54) tilidine;
- (55) trimeperidine;
- (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-methylbenzamide(U47700); ~~and~~
- (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl); and
- (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol).

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

- (1) acetorphine;
- (2) acetyldihydrocodeine;

- (3) benzylmorphine;
- (4) codeine methylbromide;
- (5) codeine-n-oxide;
- (6) cyprenorphine;
- (7) desomorphine;
- (8) dihydromorphine;
- (9) drotebanol;
- (10) etorphine;
- (11) heroin;
- (12) hydromorphanol;
- (13) methyldesorphine;
- (14) methyldihydromorphine;
- (15) morphine methylbromide;
- (16) morphine methylsulfonate;
- (17) morphine-n-oxide;
- (18) myrophine;
- (19) nicocodeine;
- (20) nicomorphine;
- (21) normorphine;
- (22) pholcodine; and
- (23) thebacon.

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

- (1) methylenedioxy amphetamine;
- (2) methylenedioxymethamphetamine;

- (3) methylenedioxy-N-ethylamphetamine (MDEA);
- (4) n-hydroxy-methylenedioxyamphetamine;
- (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- (7) 4-methoxyamphetamine;
- (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- (9) alpha-ethyltryptamine;
- (10) bufotenine;
- (11) diethyltryptamine;
- (12) dimethyltryptamine;
- (13) 3,4,5-trimethoxyamphetamine;
- (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- (15) ibogaine;
- (16) lysergic acid diethylamide (LSD);
- (17) mescaline;
- (18) parahexyl;
- (19) N-ethyl-3-piperidyl benzilate;
- (20) N-methyl-3-piperidyl benzilate;
- (21) psilocybin;
- (22) psilocyn;
- (23) tenocyclidine (TCP or TCP);
- (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);

- (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (2-CB-FLY);
- (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- (40) alpha-methyltryptamine (AMT);
- (41) N,N-diisopropyltryptamine (DiPT);
- (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);
- (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);

- (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- (57) methoxetamine (MXE);
- (58) 5-iodo-2-aminoindane (5-IAI);
- (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- (65) N,N-Dipropyltryptamine (DPT);
- (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethyl-norketamine, ethketamine, NENK);
- (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).

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

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

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

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

- (1) aminorex;
- (2) cathinone;
- (3) fenethylamine;
- (4) methcathinone;
- (5) methylaminorex;
- (6) N,N-dimethylamphetamine;
- (7) N-benzylpiperazine (BZP);
- (8) methylmethcathinone (mephedrone);
- (9) 3,4-methylenedioxy-N-methylcathinone (methyldone);
- (10) methoxymethcathinone (methedrone);
- (11) methylenedioxypropylamphetamine (MDPV);
- (12) 3-fluoro-N-methylcathinone (3-FMC);
- (13) methylethcathinone (MEC);
- (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- (15) dimethylmethcathinone (DMMC);
- (16) fluoroamphetamine;
- (17) fluoromethamphetamine;
- (18) α -methylaminobutyrophenone (MABP or buphedrone);
- (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);

- (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or naphyrone);
- (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- (25) 4-methyl-N-ethylcathinone (4-MEC);
- (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);
- (29) 4-fluoro-N-methylcathinone (4-FMC);
- (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- (31) alpha-pyrrolidinobutiophenone (α -PBP);
- (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- (33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);
- (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB); ~~and~~
- (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP); and

~~(38)~~ (39) any other substance, except bupropion or compounds listed under a different schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

- (i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
- (ii) by substitution at the 3-position with an acyclic alkyl substituent;
- (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
- (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

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

(1) marijuana;

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

(3) synthetic cannabinoids, including the following substances:

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

(A) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

(B) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

(C) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

(D) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

(E) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

(F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

(G) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

(H) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

(I) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

(J) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

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

(A) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);

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

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

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

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

- (A) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);
- (B) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
- (C) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);
- (D) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

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

- (A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);
- (B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (Cannabicyclohexanol or CP 47,497 C8 homologue);
- (C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol (CP 55,940).

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

- (A) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);
- (B) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);
- (C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN 48,098 or Pravadoline).

(viii) Others specifically named:

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

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

(C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de] -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);

(D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);

(E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11);

(F) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide (AKB-48(APINACA));

(G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5-Fluoro-AKB-48);

(H) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);

(I) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);

(J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA);

(K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (AB-FUBINACA);

(L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide(AB-CHMINACA);

(M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5-fluoro-AMB);

(N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);

(O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone (FUBIMINA);

(P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);

(Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl) -1H-indole-3-carboxamide (5-fluoro-ABICA);

(R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl) -1H-indole-3-carboxamide;

(S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl) -1H-indazole-3-carboxamide;

(T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido) -3,3-dimethylbutanoate;

(U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1 H-indazole-3-carboxamide (MAB-CHMINACA);

(V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA);

(W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);

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

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

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

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

Sec. 2. Minnesota Statutes 2016, section 152.02, subdivision 5, is amended to read:

Subd. 5. **Schedule IV.** (a) Schedule IV consists of the substances listed in this subdivision.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as follows:

(1) not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

(2) dextropropoxyphene (Darvon and Darvocet);

(3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers (including tramadol); ~~and~~

(4) eluxadoline;

(5) pentazocine; and

(6) butorphanol (including its optical isomers).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of the salts, isomers, and salts of isomers is possible:

(1) alfaxalone (5 α -pregnan-3 α -ol-11,20-dione);

(2) alprazolam;

(3) barbital;

(4) bromazepam;

(5) camazepam;

(6) carisoprodol;

(7) chloral betaine;

(8) chloral hydrate;

- (9) chlordiazepoxide;
- (10) clobazam;
- (11) clonazepam;
- (12) clorazepate;
- (13) clotiazepam;
- (14) cloxazolam;
- (15) delorazepam;
- (16) diazepam;
- (17) dichloralphenazone;
- (18) estazolam;
- (19) ethchlorvynol;
- (20) ethinamate;
- (21) ethyl loflazepate;
- (22) fludiazepam;
- (23) flurazepam;
- (24) fospropofol;
- (25) halazepam;
- (26) haloxazolam;
- (27) ketazolam;
- (28) loprazolam;
- (29) lorazepam;
- (30) lormetazepam mebutamate;
- (31) medazepam;
- (32) meprobamate;
- (33) methohexital;
- (34) methylphenobarbital;

- (35) midazolam;
- (36) nimetazepam;
- (37) nitrazepam;
- (38) nordiazepam;
- (39) oxazepam;
- (40) oxazolam;
- (41) paraldehyde;
- (42) petrichloral;
- (43) phenobarbital;
- (44) pinazepam;
- (45) prazepam;
- (46) quazepam;
- (47) suvorexant;
- (48) temazepam;
- (49) tetrazepam;
- (50) triazolam;
- (51) zaleplon;
- (52) zolpidem;
- (53) zopiclone.

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: fenfluramine.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (1) cathine (norpseudoephedrine);
- (2) diethylpropion;
- (3) fencamfamine;

- (4) fenproporex;
 - (5) mazindol;
 - (6) mefenorex;
 - (7) modafinil;
 - (8) pemoline (including organometallic complexes and chelates thereof);
 - (9) phentermine;
 - (10) pipradol;
 - (11) sibutramine;
 - (12) SPA (1-dimethylamino-1,2-diphenylethane).
- (f) lorcaserin.

Sec. 3. Minnesota Statutes 2016, section 152.027, is amended by adding a subdivision to read:

Subd. 7. **Sale or possession of kratom.** (a) A person who unlawfully sells any amount of kratom or a substance that contains mitragynine or 7-hydroxymitragynine to a person under the age of 18 is guilty of a gross misdemeanor.

(b) A person under the age of 18 who unlawfully possesses any amount of kratom or a substance that contains mitragynine or 7-hydroxymitragynine is guilty of a misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

ARTICLE 2 SUBSTANTIVE CHANGES TO DWI LAW; INTOXICATING SUBSTANCES

Section 1. Minnesota Statutes 2016, section 169A.03, is amended by adding a subdivision to read:

Subd. 11a. **Intoxicating substance.** "Intoxicating substance" means a drug or chemical, as those terms are defined in section 151.01, that when introduced into the human body impairs the central nervous system or impairs the human audio, visual, or mental processes. The term does not include alcohol or controlled substances.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2016, section 169A.20, subdivision 1, is amended to read:

Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any person to drive, operate, or be in physical control of any motor vehicle, as defined in section 169A.03, subdivision 15, except for motorboats in operation and off-road recreational vehicles, within this state or on any boundary water of this state when:

- (1) the person is under the influence of alcohol;
- (2) the person is under the influence of a controlled substance;

(3) the person is ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating substance ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motor vehicle;~~

(4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or more;

(6) the vehicle is a commercial motor vehicle and the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more; or

(7) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 3. **REPEALER.**

Minnesota Statutes 2016, section 169A.03, subdivision 9, is repealed.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

ARTICLE 3
CONFORMING CHANGES TO DWI-RELATED LAWS

Section 1. Minnesota Statutes 2016, section 97B.065, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) A person may not take wild animals with a firearm or by archery:

(1) when the person is under the influence of alcohol;

(2) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;

(3) when the person is under the influence of a combination of any two or more of the elements in clauses (1) and (2);

(4) when the person's alcohol concentration is 0.08 or more;

(5) when the person's alcohol concentration as measured within two hours of the time of taking is 0.08 or more; or

(6) when the person is ~~knowingly~~ under the influence of ~~any chemical compound or combination of chemical compounds that is listed as a hazardous~~ an intoxicating substance ~~in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to operate a firearm or bow and arrow as defined in section 169A.03, subdivision 11a.~~

(b) An owner or other person having charge or control of a firearm or bow may not authorize or permit an individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance, as provided under paragraph (a), to possess the firearm or bow in this state or on a boundary water of this state.

(c) A person may not possess a loaded or uncased firearm or an uncased bow afield under any of the conditions in paragraph (a).

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2016, section 169A.20, subdivision 1a, is amended to read:

Subd. 1a. **Driving while impaired crime; motorboat in operation.** It is a crime for any person to operate or be in physical control of a motorboat in operation on any waters or boundary water of this state when:

(1) the person is under the influence of alcohol;

(2) the person is under the influence of a controlled substance;

(3) the person is ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating substance ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motorboat;~~

(4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motorboat is 0.08 or more; or

(6) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2016, section 169A.20, subdivision 1b, is amended to read:

Subd. 1b. **Driving while impaired crime; snowmobile and all-terrain vehicle.** It is a crime for any person to operate or be in physical control of a snowmobile as defined in section 84.81, subdivision 3, or all-terrain vehicle as defined in section 84.92, subdivision 8, anywhere in this state or on the ice of any boundary water of this state when:

(1) the person is under the influence of alcohol;

(2) the person is under the influence of a controlled substance;

(3) the person is ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating substance ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the snowmobile or all-terrain vehicle;~~

(4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the snowmobile or all-terrain vehicle is 0.08 or more; or

(6) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2016, section 169A.20, subdivision 1c, is amended to read:

Subd. 1c. **Driving while impaired crime; off-highway motorcycle and off-road vehicle.** It is a crime for any person to operate or be in physical control of any off-highway motorcycle as defined in section 84.787, subdivision 7, or any off-road vehicle as defined in section 84.797, subdivision 7, anywhere in this state or on the ice of any boundary water of this state when:

(1) the person is under the influence of alcohol;

(2) the person is under the influence of a controlled substance;

(3) the person is knowingly under the influence of a hazardous an intoxicating substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the off-highway motorcycle or off-road vehicle;

(4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the off-highway motorcycle or off-road vehicle is 0.08 or more; or

(6) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2016, section 169A.45, subdivision 1, is amended to read:

Subdivision 1. **Alcohol concentration evidence.** Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for violating section 169A.20 (driving while impaired) or 169A.31 (alcohol-related school bus or Head Start bus driving), the court may admit evidence of the presence or amount of alcohol in the person's blood, breath, or urine as shown by an analysis of those items. In addition, in a prosecution for a violation of section 169A.20, the court may admit evidence of the presence or amount in the person's blood, breath, or urine, as shown by an analysis of those items, of:

(1) a controlled substance or its metabolite; or

(2) a hazardous an intoxicating substance.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2016, section 169A.51, subdivision 1, is amended to read:

Subdivision 1. **Implied consent; conditions; election of test.** (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or on any boundary water of this state consents, subject to the provisions of sections 169A.50 to 169A.53 (implied consent law), and section 169A.20 (driving while impaired), to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol, a controlled substance or its metabolite, or a hazardous an intoxicating substance. The test must be administered at the direction of a peace officer.

(b) The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired), and one of the following conditions exist:

(1) the person has been lawfully placed under arrest for violation of section 169A.20 or an ordinance in conformity with it;

(2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death;

(3) the person has refused to take the screening test provided for by section 169A.41 (preliminary screening test); or

(4) the screening test was administered and indicated an alcohol concentration of 0.08 or more.

(c) The test may also be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2017 Supplement, section 169A.51, subdivision 4, is amended to read:

Subd. 4. **Requirement of urine or blood test.** A blood or urine test may be required pursuant to a search warrant under sections 626.04 to 626.18 even after a breath test has been administered if there is probable cause to believe that:

(1) there is impairment by a controlled substance or ~~a hazardous~~ an intoxicating substance that is not subject to testing by a breath test;

(2) a controlled substance listed in Schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(3) the person is unconscious or incapacitated to the point that the peace officer providing a breath test advisory, administering a breath test, or serving the search warrant has a good-faith belief that the person is mentally or physically unable to comprehend the breath test advisory or otherwise voluntarily submit to chemical tests.

Action may be taken against a person who refuses to take a blood test under this subdivision only if a urine test was offered and action may be taken against a person who refuses to take a urine test only if a blood test was offered. This limitation does not apply to an unconscious person under the circumstances described in clause (3).

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2016, section 169A.51, subdivision 7, is amended to read:

Subd. 7. **Requirements for conducting tests; liability.** (a) Only a physician, medical technician, emergency medical technician-paramedic, registered nurse, medical technologist, medical laboratory technician, phlebotomist, laboratory assistant, or other qualified person acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol, a controlled substance or its metabolite, or ~~a hazardous~~ an intoxicating substance. This limitation does not apply to the taking of a breath or urine sample.

(b) The person tested has the right to have someone of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test sample on behalf of the person is obtained at the place where the person is in custody, after the test administered at the

direction of a peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person does not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer.

(c) The physician, medical technician, emergency medical technician-paramedic, medical technologist, medical laboratory technician, laboratory assistant, phlebotomist, registered nurse, or other qualified person drawing blood at the request of a peace officer for the purpose of determining the concentration of alcohol, a controlled substance or its metabolite, or ~~a hazardous~~ an intoxicating substance is in no manner liable in any civil or criminal action except for negligence in drawing the blood. The person administering a breath test must be fully trained in the administration of breath tests pursuant to training given by the commissioner of public safety.

(d) For purposes of this subdivision, "qualified person" means medical personnel trained in a licensed hospital or educational institution to withdraw blood.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2016, section 169A.52, subdivision 2, is amended to read:

Subd. 2. **Reporting test failure.** (a) If a person submits to a test, the results of that test must be reported to the commissioner and to the authority having responsibility for prosecution of impaired driving offenses for the jurisdiction in which the acts occurred, if the test results indicate:

(1) an alcohol concentration of 0.08 or more;

(2) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the violation; or

(3) the presence of a controlled substance listed in Schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols.

(b) If a person submits to a test and the test results indicate the presence of ~~a hazardous~~ an intoxicating substance, the results of that test must be reported to the authority having responsibility for prosecution of impaired driving offenses for the jurisdiction in which the acts occurred.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2016, section 169A.76, is amended to read:

169A.76 CIVIL ACTION; PUNITIVE DAMAGES.

(a) In a civil action involving a motor vehicle accident, it is sufficient for the trier of fact to consider an award of punitive damages if there is evidence that the accident was caused by a driver:

(1) with an alcohol concentration of 0.08 or more;

(2) who was under the influence of a controlled substance;

(3) who was under the influence of alcohol and refused to take a test required under section 169A.51 (chemical tests for intoxication); or

(4) who was ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating substance ~~that substantially affects the person's nervous system, brain, or muscles so as to impair the person's ability to drive or operate a motor vehicle.~~

(b) A criminal charge or conviction is not a prerequisite to consideration of punitive damages under this section. At the trial in an action where the trier of fact will consider an award of punitive damages, evidence that the driver has been convicted of violating section 169A.20 (driving while impaired), 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury) is admissible into evidence.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to acts committed on or after that date.

Sec. 11. Minnesota Statutes 2016, section 360.0752, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** As used in this section and section 360.0753:

(1) "operate" includes the acts of all crew members with responsibility to operate the aircraft;

(2) "controlled substance" has the meaning given in section 152.01, subdivision 4; and

(3) ~~"hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182~~ "intoxicating substance" has the meaning given in section 169A.03, subdivision 11a.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2016, section 360.0752, subdivision 2, is amended to read:

Subd. 2. **Crime; acts prohibited.** (a) It is a crime for any person to operate or attempt to operate an aircraft on or over land or water within this state or over any boundary water of this state under any of the following conditions:

(1) when the person is under the influence of alcohol;

(2) when the person is under the influence of a controlled substance;

(3) when the person is under the influence of a combination of any two or more of the elements named in clauses (1), (2), and (6);

(4) when the person's alcohol concentration is 0.04 or more;

(5) when the person's alcohol concentration as measured within two hours of the time of operation or attempted operation is 0.04 or more;

(6) when the person is ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating substance ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to operate the aircraft;~~

(7) when the person's body contains any amount of a controlled substance listed in Schedule I or II, other than marijuana or tetrahydrocannabinols; or

(8) within eight hours of having consumed any alcoholic beverage or used any controlled substance.

(b) If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of paragraph (a), clause (7), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 13. Minnesota Statutes 2016, section 360.0752, subdivision 5, is amended to read:

Subd. 5. **Evidence.** Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for operating or attempting to operate an aircraft in violation of subdivision 2, the court may admit evidence of the presence or amount of alcohol, controlled substances, or ~~hazardous~~ intoxicating substances in the person's blood, breath, or urine as shown by an analysis of those items.

Evidence of the refusal to take a test is admissible into evidence in a prosecution under this section.

If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 2, clause (5), that the defendant consumed a sufficient quantity of alcohol after the time of the violation and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.04; provided, that this evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether or not the person violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample, as defined in section 360.0753, subdivision 4, paragraph (b).

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2016, section 360.0752, subdivision 7, is amended to read:

Subd. 7. **Preliminary screening test.** When a peace officer has reason to believe that a person may be violating or has violated subdivision 2, the officer may require the person to provide a sample of the person's breath for a preliminary screening test using a device approved by the commissioner of public safety or the commissioner of transportation for this purpose. The results of this preliminary screening test shall be used for the purpose of deciding whether to require the tests authorized in section 360.0753, but shall not be used in any court action except to prove that a test was properly required of a person pursuant to section 360.0753. Following the screening test, additional tests may be required of the person pursuant to the provisions of section 360.0753.

A person who refuses to furnish a sample of the person's breath is subject to the provisions of section 360.0753 unless, in compliance with section 360.0753, the person submits to a blood, breath, or urine test to determine the presence or amount of alcohol, controlled substances, or ~~hazardous~~ intoxicating substances.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2017 Supplement, section 360.0753, subdivision 2, is amended to read:

Subd. 2. **Implied consent; conditions; election of test.** (a) Any person who operates or attempts to operate an aircraft in or over this state or over any boundary water of this state consents, subject to the provisions of this section and section 360.0752, to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence or amount of alcohol, controlled substances, or ~~hazardous~~ intoxicating substances. The test shall be administered at the direction of a peace officer.

(b) A test of the person's breath may be required when an officer has probable cause to believe the person was operating or attempting to operate an aircraft in violation of section 360.0752 and one of the following conditions exists:

(1) the person has been lawfully placed under arrest for violation of section 360.0752;

(2) the person has been involved in an aircraft accident or collision resulting in property damage, personal injury, or death;

(3) the person has refused to take the screening test provided for by section 360.0752;

(4) the screening test was administered and recorded an alcohol concentration of 0.04 or more or the presence of a controlled substance listed in Schedule I or II other than marijuana or tetrahydrocannabinols; or

(5) the officer had probable cause to believe that the person was operating or attempting to operate an aircraft with any amount of alcohol present in the person's body.

(c) A test of the person's blood or urine may be required by an officer under the conditions described in paragraph (b) if the officer is acting pursuant to a search warrant under sections 626.04 to 626.18.

(d) At the time a test is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test to determine the presence or amount of alcohol or a controlled substance listed in Schedule I or II other than marijuana or tetrahydrocannabinols, or to determine if the person is under the influence of alcohol, controlled substances, or ~~hazardous~~ intoxicating substances;

(2) that whether a test is taken or refused, the person may be subject to criminal prosecution for an alcohol, controlled substance, or ~~hazardous~~ intoxicating substance-related offense relating to the operation of an aircraft;

(3) that if testing is refused, the person may be subject to criminal prosecution because the person refused testing and the person will be disqualified from operating an aircraft for a minimum period of one year;

(4) if the peace officer has probable cause to believe the person has violated the criminal vehicular homicide and injury laws, that pursuant to a search warrant a test will be taken with or without the person's consent; and

(5) that, in the case of a breath test, the person has the right to consult with an attorney, but that this right is limited to the extent that it cannot unreasonably delay administration of the test.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2017 Supplement, section 360.0753, subdivision 3, is amended to read:

Subd. 3. **Type of test.** (a) A peace officer who directs a test pursuant to this section may direct a breath test.

(b) A peace officer, acting pursuant to a search warrant, may direct a blood or urine test as provided in the warrant. If the warrant authorizes either a blood or urine test, the officer may direct whether the test is of blood or urine. If the person to whom the test is directed objects to the test, the officer shall offer the person an alternative test of either blood or urine.

(c) A blood or urine test may be required pursuant to a search warrant even after a breath test has been administered if there is probable cause to believe that: (1) there is impairment by a controlled substance or ~~hazardous~~ an intoxicating substance that is not subject to testing by a breath test; or (2) a controlled substance listed in Schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body.

(d) Action under this section may be taken against a person who refuses to take a blood test only if an alternative test was offered and action may be taken against a person who refuses to take a urine test only if an alternative test was offered.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 17. Minnesota Statutes 2016, section 360.0753, subdivision 6, is amended to read:

Subd. 6. **Manner of making test; additional test.** (a) Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist, or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence or amount of alcohol, controlled substances, or ~~hazardous~~ intoxicating substances. This limitation does not apply to the taking of a breath or urine sample. The person tested has the right to have someone of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test sample on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state.

(b) The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer.

(c) The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant, or registered nurse drawing blood at the request of a peace officer for the purpose of determining the presence or concentration of alcohol, controlled substances, or ~~hazardous~~ intoxicating substances shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a breath test shall be fully trained in the administration of breath tests pursuant to training given by the commissioner of public safety or the commissioner of transportation.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to acts committed on or after that date.

Sec. 18. Minnesota Statutes 2016, section 609.2111, is amended to read:

609.2111 DEFINITIONS.

(a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision have the meanings given them.

(b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes attached trailers.

(c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

(d) ~~"Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182~~ "Intoxicating substance" has the meaning given in section 169A.03, subdivision 11a.

(e) "Qualified prior driving offense" includes a prior conviction:

(1) for a violation of section 169A.20 under the circumstances described in section 169A.24 or 169A.25;

(2) under section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114, subdivision 1, clauses (2) to (6); or 2, clauses (2) to (6);

(3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or

(4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4, clauses (2) to (6).

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 19. Minnesota Statutes 2016, section 609.2112, subdivision 1, is amended to read:

Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b), a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of a human being not constituting murder or manslaughter as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of 0.08 or more;

(4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while ~~knowingly~~ under the influence of ~~a hazardous~~ an intoxicating substance;

(6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;

(7) where the driver who causes the collision leaves the scene of the collision in violation of section 169.09, subdivision 1 or 6; or

(8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the death was caused by the defective maintenance.

(b) If a person is sentenced under paragraph (a) for a violation under paragraph (a), clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory maximum sentence of imprisonment is 15 years.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 20. Minnesota Statutes 2016, section 609.2113, subdivision 1, is amended to read:

Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation resulting in great bodily harm and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person causes great bodily harm to another not constituting attempted murder or assault as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
- (3) while having an alcohol concentration of 0.08 or more;
- (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while ~~knowingly~~ under the influence of ~~a hazardous~~ an intoxicating substance;
- (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or
- (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 21. Minnesota Statutes 2016, section 609.2113, subdivision 2, is amended to read:

Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation resulting in substantial bodily harm and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$10,000, or both, if the person causes substantial bodily harm to another as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;

(3) while having an alcohol concentration of 0.08 or more;

(4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while ~~knowingly~~ under the influence of ~~a hazardous~~ an intoxicating substance;

(6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or

(8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 22. Minnesota Statutes 2016, section 609.2113, subdivision 3, is amended to read:

Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in bodily harm and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of 0.08 or more;

(4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while ~~knowingly~~ under the influence of ~~a hazardous~~ an intoxicating substance;

(6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or

(8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 23. Minnesota Statutes 2016, section 609.2114, subdivision 1, is amended to read:

Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a person is guilty of criminal vehicular operation resulting in death to an unborn child and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of an unborn child as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of 0.08 or more;

(4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while ~~knowingly~~ under the influence of ~~a hazardous~~ an intoxicating substance;

(6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or

(8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance.

(b) If a person is sentenced under paragraph (a) for a violation under paragraph (a), clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory maximum sentence of imprisonment is 15 years.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 24. Minnesota Statutes 2016, section 609.2114, subdivision 2, is amended to read:

Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation resulting in injury to an unborn child and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person causes the great bodily harm to an unborn child subsequently born alive as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of 0.08 or more;

(4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while ~~knowingly~~ under the influence of ~~a hazardous~~ an intoxicating substance;

(6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or

(8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 25. Minnesota Statutes 2016, section 624.7142, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** A person may not carry a pistol on or about the person's clothes or person in a public place:

(1) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;

(2) when the person is under the influence of a combination of any two or more of the elements named in clauses (1) and (4);

(3) when the person is ~~knowingly~~ under the influence of ~~any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to impair the person's clearness of intellect or physical control~~ an intoxicating substance as defined in section 169A.03, subdivision 11a;

(4) when the person is under the influence of alcohol;

(5) when the person's alcohol concentration is 0.10 or more; or

(6) when the person's alcohol concentration is less than 0.10, but more than 0.04.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to public safety; modifying the schedules of controlled substances; providing penalties for sale or possession of kratom; modifying DWI law by including other types of intoxicating substances and striking references to hazardous substances; amending Minnesota Statutes 2016, sections 97B.065, subdivision 1;

152.02, subdivision 5; 152.027, by adding a subdivision; 169A.03, by adding a subdivision; 169A.20, subdivisions 1, 1a, 1b, 1c; 169A.45, subdivision 1; 169A.51, subdivisions 1, 7; 169A.52, subdivision 2; 169A.76; 360.0752, subdivisions 1, 2, 5, 7; 360.0753, subdivision 6; 609.2111; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2; 624.7142, subdivision 1; Minnesota Statutes 2017 Supplement, sections 152.02, subdivision 2; 169A.51, subdivision 4; 360.0753, subdivisions 2, 3; repealing Minnesota Statutes 2016, section 169A.03, subdivision 9."

The motion prevailed and the amendment was adopted.

The Speaker called Garofalo to the Chair.

S. F. No. 2578, A bill for an act relating to public safety; modifying the schedules of controlled substances; criminalizing certain acts involving kratom; modifying the DWI law by including other types of intoxicating substances and striking references to hazardous substances; amending Minnesota Statutes 2016, sections 97B.065, subdivision 1; 152.02, subdivision 5; 152.027, by adding a subdivision; 169A.03, by adding a subdivision; 169A.20, subdivisions 1, 1a, 1b, 1c; 169A.45, subdivision 1; 169A.51, subdivisions 1, 7; 169A.52, subdivision 2; 169A.63, by adding a subdivision; 169A.76; 360.0752, subdivisions 1, 2, 5, 7; 360.0753, subdivision 6; 609.2111; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2; 624.7142, subdivision 1; Minnesota Statutes 2017 Supplement, sections 152.02, subdivision 2; 169A.51, subdivision 4; 169A.55, subdivision 2; 171.29, subdivision 1; 360.0753, subdivisions 2, 3; repealing Minnesota Statutes 2016, section 169A.03, subdivision 9.

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 3 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|---------------|------------|------------|------------|
| Albright | Davnie | Hansen | Loeffler | Nornes | Schultz |
| Allen | Dean, M. | Hausman | Lohmer | O'Driscoll | Scott |
| Anderson, P. | Dehn, R. | Heintzeman | Loon | Olson | Smith |
| Anderson, S. | Dettmer | Hertaus | Loonan | O'Neill | Sundin |
| Anselmo | Drazkowski | Hoppe | Lucero | Pelowski | Swedzinski |
| Applebaum | Ecklund | Hornstein | Lueck | Peppin | Theis |
| Backer | Erickson | Hortman | Mahoney | Petersburg | Torkelson |
| Bahr, C. | Fabian | Howe | Mariani | Peterson | Uglem |
| Baker | Fenton | Jessup | Marquart | Pierson | Urdahl |
| Barr, R. | Fischer | Johnson, B. | Masin | Pinto | Vogel |
| Becker-Finn | Flanagan | Johnson, C. | Maye Quade | Poppe | Wagenius |
| Bennett | Franke | Jurgens | McDonald | Poston | Ward |
| Bernardy | Franson | Kiel | Metsa | Pryor | West |
| Bly | Garofalo | Knoblach | Miller | Pugh | Whelan |
| Carlson, A. | Green | Koegel | Moran | Quam | Wills |
| Carlson, L. | Grossell | Koznick | Murphy, E. | Rarick | Youakim |
| Christensen | Gruenhagen | Kunesh-Podein | Murphy, M. | Rosenthal | Zerwas |
| Clark | Gunther | Layman | Nash | Runbeck | Spk. Daudt |
| Considine | Haley | Lee | Nelson | Sandstede | |
| Daniels | Halverson | Lesch | Neu | Sauke | |
| Davids | Hamilton | Lien | Newberger | Schomacker | |

Those who voted in the negative were:

Kresha Munson Omar

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

S. F. No. 2554, A bill for an act relating to public safety; requiring collection of information on the connection between pornography and sex trafficking; expanding the authorized penalty assessment to include additional crimes; amending Minnesota Statutes 2016, sections 299A.785, subdivision 1; 609.3241; 609.5315, subdivision 5b.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|---------------|------------|------------|------------|
| Albright | Dean, M. | Heintzeman | Lohmer | O'Driscoll | Scott |
| Allen | Dehn, R. | Hertaus | Loon | Olson | Smith |
| Anderson, P. | Dettmer | Hoppe | Loonan | Omar | Sundin |
| Anderson, S. | Drazkowski | Hornstein | Lucero | O'Neill | Swedzinski |
| Anselmo | Ecklund | Hortman | Lueck | Pelowski | Theis |
| Applebaum | Erickson | Howe | Mahoney | Peppin | Torkelson |
| Backer | Fabian | Jessup | Mariani | Petersburg | Uglem |
| Bahr, C. | Fenton | Johnson, B. | Marquart | Peterson | Urdahl |
| Baker | Fischer | Johnson, C. | Masin | Pierson | Vogel |
| Barr, R. | Flanagan | Jurgens | Maye Quade | Pinto | Wagenius |
| Becker-Finn | Franke | Kiel | McDonald | Poppe | Ward |
| Bennett | Franson | Knoblach | Metsa | Poston | West |
| Bernardy | Garofalo | Koegel | Miller | Pryor | Whelan |
| Bly | Green | Koznick | Moran | Pugh | Wills |
| Carlson, A. | Grossell | Kresha | Munson | Quam | Youakim |
| Carlson, L. | Gruenhagen | Kunesh-Podein | Murphy, E. | Rarick | Zerwas |
| Christensen | Gunther | Layman | Murphy, M. | Rosenthal | Spk. Daudt |
| Clark | Haley | Lee | Nash | Runbeck | |
| Considine | Halverson | Lesch | Nelson | Sandstede | |
| Daniels | Hamilton | Liebling | Neu | Sauke | |
| Davids | Hansen | Lien | Newberger | Schomacker | |
| Davnie | Hausman | Loeffler | Nornes | Schultz | |

The bill was passed and its title agreed to.

Becker-Finn was excused for the remainder of today's session.

S. F. No. 1694, A bill for an act relating to the military; designating June 29 as General John Vessey Day; proposing coding for new law in Minnesota Statutes, chapter 10.

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 | Dean, M. | Hausman | Lien | Neu | Sandstede |
| Allen | Dehn, R. | Heintzeman | Loeffler | Newberger | Sauke |
| Anderson, P. | Dettmer | Hertaus | Lohmer | Nornes | Schomacker |
| Anderson, S. | Drazkowski | Hoppe | Loon | O'Driscoll | Schultz |
| Anselmo | Ecklund | Hornstein | Loonan | Olson | Scott |
| Applebaum | Erickson | Hortman | Lucero | Omar | Smith |
| Backer | Fabian | Howe | Lueck | O'Neill | Sundin |
| Bahr, C. | Fenton | Jessup | Mahoney | Pelowski | Swedzinski |
| Baker | Fischer | Johnson, B. | Mariani | Peppin | Theis |
| Barr, R. | Flanagan | Johnson, C. | Marquart | Petersburg | Torkelson |
| Bennett | Franke | Jurgens | Masin | Peterson | Uglem |
| Bernardy | Franson | Kiel | Maye Quade | Pierson | Urdahl |
| Bly | Garofalo | Knoblach | McDonald | Pinto | Vogel |
| Carlson, A. | Green | Koegel | Metsa | Poppe | Wagenius |
| Carlson, L. | Grossell | Koznick | Miller | Poston | Ward |
| Christensen | Gruenhagen | Kresha | Moran | Pryor | West |
| Clark | Gunther | Kunesh-Podein | Munson | Pugh | Whelan |
| Considine | Haley | Layman | Murphy, E. | Quam | Wills |
| Daniels | Halverson | Lee | Murphy, M. | Rarick | Youakim |
| Davids | Hamilton | Lesch | Nash | Rosenthal | Zerwas |
| Davnie | Hansen | Liebling | Nelson | Runbeck | Spk. Daudt |

The bill was passed and its title agreed to.

S. F. No. 3793, A bill for an act relating to local government; modifying counties competitive bidding; amending Minnesota Statutes 2016, section 471.345, 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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|-------------|------------|-------------|---------------|------------|
| Albright | Carlson, L. | Fenton | Hausman | Koznick | Mahoney |
| Allen | Christensen | Fischer | Heintzeman | Kresha | Mariani |
| Anderson, P. | Clark | Flanagan | Hertaus | Kunesh-Podein | Marquart |
| Anderson, S. | Considine | Franke | Hoppe | Layman | Masin |
| Anselmo | Daniels | Franson | Hornstein | Lee | Maye Quade |
| Applebaum | Davids | Garofalo | Hortman | Lesch | McDonald |
| Backer | Davnie | Green | Howe | Liebling | Metsa |
| Bahr, C. | Dean, M. | Grossell | Jessup | Lien | Miller |
| Baker | Dehn, R. | Gruenhagen | Johnson, B. | Loeffler | Moran |
| Barr, R. | Dettmer | Gunther | Johnson, C. | Lohmer | Munson |
| Bennett | Drazkowski | Haley | Jurgens | Loon | Murphy, E. |
| Bernardy | Ecklund | Halverson | Kiel | Loonan | Murphy, M. |
| Bly | Erickson | Hamilton | Knoblach | Lucero | Nash |
| Carlson, A. | Fabian | Hansen | Koegel | Lueck | Nelson |

| | | | | | |
|------------|------------|-----------|------------|------------|------------|
| Neu | Pelowski | Poston | Sandstede | Swedzinski | Ward |
| Newberger | Peppin | Pryor | Sauke | Theis | West |
| Nornes | Petersburg | Pugh | Schomacker | Torkelson | Whelan |
| O'Driscoll | Peterson | Quam | Schultz | Uglen | Wills |
| Olson | Pierson | Rarick | Scott | Urdahl | Youakim |
| Omar | Pinto | Rosenthal | Smith | Vogel | Zerwas |
| O'Neill | Poppe | Runbeck | Sundin | Wagenius | Spk. Daudt |

The bill was passed 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:

H. F. No. 2982, A bill for an act relating to agricultural data; classifying agricultural research data maintained by the University of Minnesota; amending Minnesota Statutes 2016, section 13.643, subdivision 7.

CAL R. LUDEMAN, Secretary of 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. 3265, A bill for an act relating to human services; modifying child foster care training requirements; establishing a foster care sibling bill of rights; amending Minnesota Statutes 2016, section 245A.175; proposing coding for new law in Minnesota Statutes, chapter 260C.

CAL R. LUDEMAN, Secretary of the Senate

Bennett moved that the House refuse to concur in the Senate amendments to H. F. No. 3265, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3265:

Kresha, Bennett and Halverson.

MOTIONS AND RESOLUTIONS

Runbeck moved that the name of Jessup be added as an author on H. F. No. 3013. The motion prevailed.

Anderson, S., moved that the name of Lueck be added as an author on H. F. No. 3893. The motion prevailed.

Clark moved that the name of Franke be added as an author on H. F. No. 4132. The motion prevailed.

Anderson, P., moved that the name of Jurgens be added as an author on H. F. No. 4395. The motion prevailed.

Anderson, S., moved that the name of Whelan be added as an author on H. F. No. 4473. The motion prevailed.

Anderson, S., moved that the name of Whelan be added as an author on H. F. No. 4474. The motion prevailed.

Bernardy moved that the name of Sandstede be added as an author on H. F. No. 4492. The motion prevailed.

Loonan moved that H. F. No. 3567, now on the Calendar for the Day, be re-referred to the Committee on Commerce and Regulatory Reform. The motion prevailed.

Lee, Hamilton, Ward, Mahoney and Liebling introduced:

House Resolution No. 7, A House resolution celebrating the month of May as Asian Pacific American Heritage Month.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Peppin moved that when the House adjourns today it adjourn until 10:00 a.m., Monday, May 14, 2018. The motion prevailed.

Peppin moved that the House adjourn. The motion prevailed, and Speaker pro tempore Garofalo declared the House stands adjourned until 10:00 a.m., Monday, May 14, 2018.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

