



WEEKLY SESSION UPDATE

May 8, 2015

OMNIBUS TAX BILL

On Monday, the Senate passed their version of the Omnibus Tax Bill. As such, a conference committee was appointed to work out differences between the House and Senate versions. The conferees for this committee are:

HOUSE: Davids; Drazkowski; Barrett; Swedzinski; Lenczewski

SENATE: Skoe; Rest; Dzeidzic; Koenen; Gazelka

The MLC will be sending a letter to these conferees to share with them our support for and concerns with specific provisions in the House and Senate bills.

The conference committee met on Wednesday and Thursday, and is meeting again today. They are currently walking through the provisions in the bills and having discussions about different language. They have not adopted any provisions yet. The committee did provide Rep. Drazkowski some time to walk through Article 2 of the bill, which contains a number of problematic provisions, and the Commissioner of Revenue indicated some concerns with that Article.

There are some significant differences between the House and Senate versions. Many of the committee's decisions will depend on the budget target assigned, as that will set broad spending parameters for the committee. The targets have yet to be decided or announced. If the committee can get through the Senate's topics for discussion today, they do not intend to meet over the weekend.



MLC Water Bottle Sighting at Tax Conference Committee

OMNIBUS TRANSPORTATION BILL

The conference committee for the Omnibus Transportation Bill met on Tuesday, Wednesday and are meeting again today. Another meeting was scheduled for Thursday, but it was canceled. The committee has spent most of its time walking through the bill language, and have adopted a handful of non-controversial provisions, including the newly negotiated CSAH funding formula. There are major differences between these two bills, and changes will depend on whether or not leadership can agree to a major transportation funding bill or not.

As a reminder, conferees for this committee are:

HOUSE: Kelly; Petersburg; Sanders; Howe; Erhardt

SENATE: Dibble; Kent; Hawj; Jensen; Schmit

LICENSE PLATE READERS/BODY CAMERAS

On Thursday, the Senate took up SF 86 (Latz) on the floor. This bill provides for the classification and destruction of data collected by automated license plate readers, and establishes protocols and requirements for their use. Under the bill, specified data collected by an automated license plate reader are private or nonpublic data. The general rule is that the data must be destroyed 90 days from the time of collection, provided that if law enforcement has received a written request that the data be preserved from an individual who is the subject of a pending criminal charge or complaint where the data may be used as exculpatory evidence, the data must not be destroyed until the charge or complaint is resolved or dismissed. However, data must not be retained in any format, unless the data identifies a vehicle or plate that has been stolen, there

is a warrant for the arrest of the owner, the owner has a suspended or revoked license, or the data are active investigative data. Additionally, the bill would require law enforcement agencies to maintain a log of the use of an automated license plate reader and a record showing the date data were collected and the applicable classification.

During the floor debate, Sen. Latz introduced an amendment to add language to the bill to also classify and regulate data collected by police body cameras. After much debate, this amendment was adopted as well as a few subsequent amendments introduced by Sen. Petersen.

Ultimately, the bill, as amended, included body camera language that would classify the data as private data on individuals or nonpublic data unless the recording occurred in a public place and involved the use of a dangerous weapon or physical coercion by a peace officer that causes at least substantial bodily harm. Additionally, data could become public if a subject of the data has requested that the data be accessible to the public, provided that if the data includes a subject who is not a peace officer and who does not consent to the release, that data must be redacted if possible.

Under the bill, law enforcement agencies using body cameras must maintain the following information, which is public data:

- the total number of devices owned and maintain;
- a daily record of the total devices actually deployed and used;
- policies and procedures for use; and
- total amount of recorded audio and video data collected and maintained.
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If enacted, any data that is not active or inactive criminal investigative data must be maintained for at least 90 days and destroyed within one year of the date of collection. Under certain circumstances, data may be required to be maintained for at least one year or destroyed within three years from the date of collection. Additionally, a subject of the data may request that data be retained for a longer period.

An amendment was also adopted that would say if body cameras are being used in a jurisdiction that has a civilian review board, the data will be retained for the entirety of that process.

A law enforcement agency using body cameras must arrange for an independent triennial audit of the data collected and must adopt and enforce a written policy governing the use and operation of these devices. However, a law enforcement agency must not obtain or use a new surveillance technology that expands the type or scope of surveillance capability of a body camera beyond video or audio recording unless the local governing body with jurisdiction over the law enforcement agency has authorized its use.

As amended, the bill was passed off the Senate floor on a vote of 41-19. The companion bill has not yet been heard, though it is awaiting debate on the House floor. That being said, the House language is quite different from the Senate bill. Should the House pass this bill, a conference committee would likely be appointed to work out these differences.

OMNIBUS LIQUOR BILL

On Monday, Gov. Dayton signed the Omnibus Liquor Bill into law. Despite attempts to repeal the ban on Sunday liquor sales and the ban on Sunday off-sale liquor purchases, these provisions were not included in the final bill. Among other things, this legislation would make the following changes to current liquor laws:

- authorize a microdistillery to sell at off-sale one 375 milliliter bottle per customer per day of its product;
- allow growlers to be sold at off-sale on Sundays at small brewers and brewpubs;
- allow a microdistillery to be issued a temporary license for on-sale of intoxicating liquor in connection with a social event sponsored by the microdistillery;
- allow Sunday on-sale to begin at 8:00 am; and
- ban the manufacture or sale of powdered alcohol until June 1, 2016, calling for the director of the Public Safety Department's Division of Alcohol and Gambling Enforcement to research current laws to learn if the product could be adequately enforced.

WATER QUALITY

It is our understanding that Gov. Dayton is looking to establish a Director of Water Quality to help him better understand ways to improve Minnesota's waters. We will provide more information on this issue as it develops.