

S.F. No. 3463 and H.F. No. 3693, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

The following document shows the differences between S.F. No. 3463, the first engrossment, and H.F. No. 3693, the second engrossment.

May 8, 2018

Patrick D. Murphy
Chief Clerk, House of Representatives

Explanation of Comparison Reports

When a Senate File is received from the Senate, it is given its first reading and must be referred to the appropriate standing committee or division under Rule 1.11.

But if the House File companion of that Senate File has already been reported out of Committee and given its second reading and is on the General Register, the Senate File must be referred to the Chief Clerk for comparison pursuant to Rule 1.15.

The Chief Clerk reports whether the bills were found to be identical or not identical. Once the bills have been compared and the differences have been reported, the Senate File is given its second reading and is substituted for the House File. The House File is then considered withdrawn.

Pursuant to rule 3.33, if the bills are not identical and the chief author of the bill wishes to use the House language, the chief author must give notice of their intent to substitute the House language when the bill is placed on the Calendar for the Day or the Fiscal Calendar. If the chief author of the bill wishes to keep the Senate language, no action is required.

1.1 A bill for an act
 1.2 relating to public safety; creating liability and vicarious liability for trespass to
 1.3 critical infrastructure; creating a crime for recruiting or educating individuals to
 1.4 trespass on or damage critical infrastructure; amending Minnesota Statutes 2016,
 1.5 sections 609.594, subdivision 2; 609.6055, subdivision 2; proposing coding for
 1.6 new law in Minnesota Statutes, chapter 604.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. [604.135] CRITICAL INFRASTRUCTURE; VICARIOUS LIABILITY.

1.9 (a) A person who is arrested for or convicted of trespass under section 609.6055 or
 1.10 609.594 may be held liable for any damages to personal or real property while trespassing.

1.11 (b) A person or entity that recruits, trains, aids, advises, hires, counsels, or conspires
 1.12 with or otherwise procures another to trespass as described in paragraph (a) may also be
 1.13 held vicariously liable for any damages to personal or real property committed by the
 1.14 individual arrested or convicted under section 609.6055 or 609.594.

1.15 (c) A labor organization shall not be subject to this provision if, as part of its training,
 1.16 it informs employees annually that trespassing and damaging property is not sanctioned or
 1.17 allowable activity related to a strike.

1.18 (d) As used in this section, the terms defined in this paragraph have the meanings given
 1.19 them:

1.20 (1) "labor organization" has the meaning given in section 179.01, subdivision 6;
 1.21 (2) "employee" has the meaning given in section 179.01, subdivision 4; and
 1.22 (3) "strike" has the meaning given in section 179.01, subdivision 8.

2.1 **EFFECTIVE DATE.** This section is effective on August 1, 2018, and applies to causes
 2.2 of action brought on or after that date.

2.3 Sec. 2. Minnesota Statutes 2016, section 609.594, subdivision 2, is amended to read:

2.4 Subd. 2. **Prohibited conduct; penalty.** (a) Whoever causes damage to the physical
 2.5 property of a critical public service facility, utility, or pipeline with the intent to significantly
 2.6 disrupt the operation of or the provision of services by the facility, utility, or pipeline and
 2.7 without the consent of one authorized to give consent, is guilty of a felony and may be
 2.8 sentenced to imprisonment for not more than ten years or to payment of a fine of not more
 2.9 than \$20,000, or both.

2.10 (b) Whoever intentionally recruits, trains, aids, advises, hires, counsels, or conspires
 2.11 with or otherwise procures another to commit a violation of paragraph (a) is guilty of a
 2.12 felony and may be sentenced to imprisonment for not more than ten years or to payment of

1.1 A bill for an act
 1.2 relating to public safety; creating liability and vicarious liability for trespass to
 1.3 critical infrastructure; creating a crime for recruiting or educating individuals to
 1.4 trespass on or damage critical infrastructure; amending Minnesota Statutes 2016,
 1.5 section 609.6055, subdivision 2; proposing coding for new law in Minnesota
 1.6 Statutes, chapter 604.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2.13 a fine of not more than \$20,000, or both, if a violation is committed and the person fails to
 2.14 make a reasonable effort to prevent the violation.

2.15 (c) A labor organization shall not be subject to this provision if, as part of its training,
 2.16 it informs employees annually that trespassing and damaging property is not sanctioned or
 2.17 allowable activity related to a strike.

2.18 (d) As used in this section, the terms defined in this paragraph have the meanings given
 2.19 them:

2.20 (1) "labor organization" has the meaning given in section 179.01, subdivision 6;
 2.21 (2) "employee" has the meaning given in section 179.01, subdivision 4; and
 2.22 (3) "strike" has the meaning given in section 179.01, subdivision 8.

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

2.25 Sec. 3. Minnesota Statutes 2016, section 609.6055, subdivision 2, is amended to read:

2.26 Subd. 2. **Prohibited conduct; penalty.** (a) Whoever enters or is found upon property
 2.27 containing a critical public service facility, utility, or pipeline, without claim of right or
 2.28 consent of one who has the right to give consent to be on the property, is guilty of a gross
 2.29 misdemeanor, if:

2.30 (1) the person refuses to depart from the property on the demand of one who has the
 2.31 right to give consent;

2.32 (2) within the past six months, the person had been told by one who had the right to give
 2.33 consent to leave the property and not to return, unless a person with the right to give consent
 2.34 has given the person permission to return; or

2.35 (3) the property is posted.

1.8 Section 1. **[604.135] CRITICAL INFRASTRUCTURE; JOINT AND SEVERAL**
 1.9 **LIABILITY.**

1.10 (a) A person who is convicted of trespass under section 609.6055 or damage to property
 1.11 under section 609.594, or is arrested for a violation of one or both of those sections and
 1.12 convicted of another offense arising out of the same behavioral incident, may be held liable
 1.13 for any damages to personal or real property committed by the person while trespassing or
 1.14 causing damage to property.

1.15 (b) A person or entity that knowingly recruits, trains, aids, advises, hires, counsels,
 1.16 conspires with, or otherwise procures another for the purpose of trespassing or causing
 1.17 damage to property as described in paragraph (a) may also be jointly and severably liable
 1.18 for the damages under paragraph (a).

1.19 **EFFECTIVE DATE.** This section is effective on August 1, 2018, and applies to causes
 1.20 of action arising on or after that date.

2.21 Sec. 2. Minnesota Statutes 2016, section 609.6055, subdivision 2, is amended to read:

2.22 Subd. 2. **Prohibited conduct; penalty.** (a) Whoever enters or is found upon property
 2.23 containing a critical public service facility, utility, or pipeline, without claim of right or
 2.24 consent of one who has the right to give consent to be on the property, is guilty of a gross
 2.25 misdemeanor, if:

2.26 (1) the person refuses to depart from the property on the demand of one who has the
 2.27 right to give consent;

2.28 (2) within the past six months, the person had been told by one who had the right to give
 2.29 consent to leave the property and not to return, unless a person with the right to give consent
 2.30 has given the person permission to return; or

2.31 (3) the property is posted.

3.5 (b) Whoever enters an underground structure that (1) contains a utility line or pipeline
 3.6 and (2) is not open to the public for pedestrian use, without claim of right or consent of one
 3.7 who has the right to give consent to be in the underground structure, is guilty of a gross
 3.8 misdemeanor. The underground structure does not need to be posted for this paragraph to
 3.9 apply.

3.10 (c) Whoever intentionally recruits, trains, aids, advises, hires, counsels, or conspires
 3.11 with or otherwise procures another to commit a violation of paragraph (a) is guilty of a
 3.12 gross misdemeanor if a violation is committed and the person fails to make a reasonable
 3.13 effort to prevent the violation.

3.14 (d) A labor organization shall not be subject to this provision if, as part of its training,
 3.15 it informs employees annually that trespassing and damaging property is not sanctioned or
 3.16 allowable activity related to a strike.

3.17 (e) As used in this section, the terms defined in this paragraph have the meanings given
 3.18 them:

3.19 (1) "labor organization" has the meaning given in section 179.01, subdivision 6;

3.20 (2) "employee" has the meaning given in section 179.01, subdivision 4; and

3.21 (3) "strike" has the meaning given in section 179.01, subdivision 8.

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

2.9 (b) Whoever enters an underground structure that (1) contains a utility line or pipeline
 2.10 and (2) is not open to the public for pedestrian use, without claim of right or consent of one
 2.11 who has the right to give consent to be in the underground structure, is guilty of a gross
 2.12 misdemeanor. The underground structure does not need to be posted for this paragraph to
 2.13 apply.

2.14 (c) Unless a greater penalty is provided elsewhere, whoever violates this section with
 2.15 intent to damage, destroy, or tamper with equipment, or significantly impede or inhibit
 2.16 operation, is guilty of a felony and may be sentenced to imprisonment for not more than
 2.17 three years or to payment of a fine of not more than \$5,000, or both.

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