

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2241

03/07/2019 Authored by Mahoney, Daudt, Fabian, Kiel, Lueck and others
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to public safety; establishing the Worker Safety and Energy Security Act;
1.3 providing for criminal penalties; amending Minnesota Statutes 2018, sections
1.4 609.594; 609.6055.

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

1.6 Section 1. TITLE.

1.7 This act may be referred to as the "Worker Safety And Energy Security Act."

1.8 Sec. 2. Minnesota Statutes 2018, section 609.594, is amended to read:

1.9 609.594 DAMAGE TO PROPERTY OF CRITICAL PUBLIC SERVICE
1.10 FACILITIES, UTILITIES, AND PIPELINES.

1.11 Subdivision 1. Definitions. As used in this section:

1.12 (1) "critical public service facility" includes railroad yards and stations, bus stations,
1.13 airports, and other mass transit facilities; oil refineries; storage areas or facilities for hazardous
1.14 materials, hazardous substances, or hazardous wastes; and bridges;

1.15 (2) "pipeline" has the meaning given in section 609.6055, subdivision 1; and

1.16 (3) "utility" includes: (i) any organization defined as a utility in section 216C.06,
1.17 subdivision 18; (ii) any telecommunications carrier or telephone company regulated under
1.18 chapter 237; and (iii) any local utility or enterprise formed for the purpose of providing
1.19 electrical or gas heating and power, telephone, water, sewage, wastewater, or other related
1.20 utility service, which is owned, controlled, or regulated by a town, a statutory or home rule
1.21 charter city, a county, a port development authority, the Metropolitan Council, a district

2.1 heating authority, a regional commission or other regional government unit, or a combination
 2.2 of these governmental units; and

2.3 (4) "person" means any individual, corporation, firm, partnership, incorporated or
 2.4 unincorporated association, or any other legal, professional, associational, nonprofit, or
 2.5 commercial entity.

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

2.12 A person who is found criminally liable under section 609.05 based upon an underlying
 2.13 violation of this section and who is not a natural person shall be liable for a fine in an amount
 2.14 up to ten times the fine allowed for the underlying violation.

2.15 Nothing in this section shall be interpreted to prohibit any of the following: (1) action
 2.16 by a member of a labor organization in the course of a labor dispute, including picketing,
 2.17 handbilling, bannering, work stoppages, or strikes, as long as the member does not cause
 2.18 damage to the physical property or alter the equipment or physical operations of a critical
 2.19 public service facility, utility, or pipeline with the intent to disrupt its operations or provision
 2.20 of services; (2) access to property by a representative of a labor organization under a worksite
 2.21 visitation clause of a collective bargaining agreement; (3) access to property by a
 2.22 representative of a building trades labor or management organization; or (4) conduct protected
 2.23 by United States Code, title 29, section 157, including labor-organizing activity.

2.24 Subd. 3. **Detention authority; immunity.** An employee or other person designated by
 2.25 a critical public service facility, utility, or pipeline to ensure the provision of services by
 2.26 the critical public service facility or the safe operation of the equipment or facility of the
 2.27 utility or pipeline who has reasonable cause to believe that a person is violating this section
 2.28 may detain the person as provided in this subdivision. The person detained must be promptly
 2.29 informed of the purpose of the detention and may not be subjected to unnecessary or
 2.30 unreasonable force or interrogation. The employee or other designated person must notify
 2.31 a peace officer promptly of the detention and may only detain the person for a reasonable
 2.32 period of time. ~~No employee or other,~~ designated person, or employer of the employee or
 2.33 designated person is criminally or civilly liable for any detention that the employee or person
 2.34 reasonably believed was authorized by and conducted in conformity with this subdivision.

3.1 Subd. 4. **Mandatory restitution.** The court shall order a person convicted of violating
3.2 this section to pay restitution for the costs and expenses resulting from the crime.

3.3 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.4 applies to violations committed on or after that date.

3.5 Sec. 3. Minnesota Statutes 2018, section 609.6055, is amended to read:

3.6 **609.6055 TRESPASS ON CRITICAL PUBLIC SERVICE FACILITY; UTILITY;**
3.7 **OR PIPELINE.**

3.8 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
3.9 meanings given.

3.10 (b) "Critical public service facility" includes buildings and other physical structures, and
3.11 fenced in or otherwise enclosed property, of railroad yards and stations, bus stations, airports,
3.12 and other mass transit facilities; oil refineries; and storage areas or facilities for hazardous
3.13 materials, hazardous substances, or hazardous wastes. The term also includes nonpublic
3.14 portions of bridges. The term does not include railroad tracks extending beyond a critical
3.15 public service facility.

3.16 (c) "Pipeline" includes an aboveground pipeline, a belowground pipeline housed in an
3.17 underground structure, and any equipment, facility, or building located in this state that is
3.18 used to transport natural or synthetic gas, crude petroleum or petroleum fuels or oil or their
3.19 derivatives, or hazardous liquids, to or within a distribution, refining, manufacturing, or
3.20 storage facility that is located inside or outside of this state. Pipeline does not include service
3.21 lines.

3.22 (d) "Utility" includes:

3.23 (1) any organization defined as a utility in section 216C.06, subdivision 18;

3.24 (2) any telecommunications carrier or telephone company regulated under chapter 237;
3.25 and

3.26 (3) any local utility or enterprise formed for the purpose of providing electrical or gas
3.27 heating and power, telephone, water, sewage, wastewater, or other related utility service,
3.28 which is owned, controlled, or regulated by a town, a statutory or home rule charter city, a
3.29 county, a port development authority, the Metropolitan Council, a district heating authority,
3.30 a regional commission or other regional government unit, or a combination of these
3.31 governmental units.

4.1 The term does not include property located above buried power or telecommunications
 4.2 lines or property located below suspended power or telecommunications lines, unless the
 4.3 property is fenced in or otherwise enclosed.

4.4 (e) "Utility line" includes power, telecommunications, and transmissions lines as well
 4.5 as related equipment owned or controlled by a utility.

4.6 (f) "Person" means any individual, corporation, firm, partnership, incorporated or
 4.7 unincorporated association, or any other legal, professional, associational, nonprofit, or
 4.8 commercial entity.

4.9 Subd. 2. **Prohibited conduct; penalty.** (a) ~~Whoever~~ A person who enters or is found
 4.10 upon property containing or upon which is being constructed a critical public service facility,
 4.11 utility, or pipeline, without claim of right or consent of one who has the right to give consent
 4.12 to be on the property, is guilty of a gross misdemeanor, if:

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

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

4.18 (3) the property is posted.

4.19 (b) A person who enters the property under paragraph (a) with the intent to disrupt the
 4.20 operation or provision of services by the facility, utility, or pipeline is guilty of a felony and
 4.21 may be sentenced to imprisonment for not more than five years or to payment of a fine of
 4.22 not more than \$10,000, or both.

4.23 ~~(b) Whoever~~ (c) A person who enters an underground structure that (1) contains a utility
 4.24 line or pipeline and (2) is not open to the public for pedestrian use, without claim of right
 4.25 or consent of one who has the right to give consent to be in the underground structure, is
 4.26 guilty of a gross misdemeanor. The underground structure does not need to be posted for
 4.27 this paragraph to apply.

4.28 (d) A person who is found criminally liable under section 609.05 based upon an
 4.29 underlying violation of this section and who is not a natural person shall be liable for a fine
 4.30 in an amount up to ten times the fine allowed for the underlying violation.

4.31 (e) Nothing in this section shall be interpreted to prohibit any of the following: (1) action
 4.32 by a member of a labor organization in the course of a labor dispute, including picketing,
 4.33 handbilling, bannering, work stoppages, or strikes, as long as the member does not cause

5.1 damage to the physical property or alter the equipment or physical operations of a critical
 5.2 public service facility, utility, or pipeline with the intent to disrupt its operations or provision
 5.3 of services; (2) access to property by a representative of a labor organization under a worksite
 5.4 visitation clause of a collective bargaining agreement; (3) access to property by a
 5.5 representative of a building trades labor or management organization; and (4) conduct
 5.6 protected by United States Code, title 29, section 157, including labor-organizing activity.

5.7 Subd. 3. **Posting.** For purposes of this section, a critical public service facility, utility,
 5.8 or pipeline is posted if there are signs that:

- 5.9 (1) state "no trespassing" or similar terms;
 5.10 (2) display letters at least two inches high;
 5.11 (3) state that Minnesota law prohibits trespassing on the property; and
 5.12 (4) are posted in a conspicuous place and at intervals of 500 feet or less.

5.13 Subd. 4. **Detention authority; immunity.** An employee or other person designated by
 5.14 a critical public service facility, utility, or pipeline to ensure the provision of services by
 5.15 the critical public service facility or the safe operation of the equipment or facility of the
 5.16 utility or pipeline who has reasonable cause to believe that a person is violating this section
 5.17 may detain the person as provided in this subdivision. The person detained must be promptly
 5.18 informed of the purpose of the detention and may not be subjected to unnecessary or
 5.19 unreasonable force or interrogation. The employee or other designated person must notify
 5.20 a peace officer promptly of the detention and may only detain the person for a reasonable
 5.21 period of time. No employee ~~or other~~, designated person, or employer of the employee or
 5.22 designated person is criminally or civilly liable for any detention that the employee or person
 5.23 reasonably believed was authorized by and conducted in conformity with this subdivision.

5.24 Subd. 5. **Arrest authority.** A peace officer may arrest a person without a warrant if the
 5.25 officer has probable cause to believe the person violated this section within the preceding
 5.26 four hours. The arrest may be made even though the violation did not occur in the presence
 5.27 of the peace officer.

5.28 Subd. 6. **Mandatory restitution.** The court shall order a person convicted of violating
 5.29 this section to pay restitution for the costs and expenses resulting from the crime.

5.30 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 5.31 applies to violations committed on or after that date.