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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **3228**

February 19, 2008

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

March 4, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to crime; modifying trespassing on critical public service property;
1.3 amending Minnesota Statutes 2006, section 609.6055, subdivisions 1, 2.

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

1.5 Section 1. Minnesota Statutes 2006, section 609.6055, subdivision 1, is amended to
1.6 read:

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

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

1.15 (c) "Pipeline" includes an aboveground pipeline, a below ground pipeline housed in
1.16 an underground structure, and any equipment, facility, or building located in this state that
1.17 is used to transport natural or synthetic gas, crude petroleum or petroleum fuels or oil or
1.18 their derivatives, or hazardous liquids, to or within a distribution, refining, manufacturing,
1.19 or storage facility that is located inside or outside of this state. Pipeline does not include
1.20 service lines.

1.21 (d) "Utility" includes:

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

1.23 (2) any telecommunications carrier or telephone company regulated under chapter
1.24 237; and

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

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

2.10 **EFFECTIVE DATE.** This section is effective August 1, 2008, and applies to
2.11 offenses committed on or after that date.

2.12 Sec. 2. Minnesota Statutes 2006, section 609.6055, subdivision 2, is amended to read:

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

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

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

2.22 (3) the property is posted.

2.23 (b) Whoever enters an underground structure that (i) contains a utility or pipeline
2.24 and (ii) is not open to the public for pedestrian use, without claim of right or consent of
2.25 one who has the right to give consent to be in the underground structure, is guilty of
2.26 a gross misdemeanor. The underground structure does not need to be posted for this
2.27 paragraph to apply.

2.28 **EFFECTIVE DATE.** This section is effective August 1, 2008, and applies to
2.29 offenses committed on or after that date.