

STATE OF MINNESOTA

EIGHTY-SIXTH SESSION — 2009

 TWENTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 23, 2009

The House of Representatives convened at 1:00 p.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Richard Mark, St. John's United Church of Christ, Norwood Young America, 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:

Abeler	Demmer	Hausman	Lanning	Nelson	Sertich
Anderson, B.	Dettmer	Haws	Lenczewski	Newton	Severson
Anderson, P.	Dill	Hayden	Lesch	Nornes	Shimanski
Anderson, S.	Dittrich	Hilstrom	Liebling	Norton	Simon
Anzelc	Doepke	Hilty	Lieder	Obermueller	Slawik
Atkins	Doty	Holberg	Lillie	Olin	Slocum
Beard	Downey	Hoppe	Loeffler	Otremba	Smith
Benson	Drazkowski	Hornstein	Loon	Paymar	Solberg
Bigham	Eastlund	Hortman	Mack	Pelowski	Sterner
Bly	Eken	Hosch	Magnus	Peppin	Swails
Brod	Emmer	Howes	Mahoney	Persell	Thao
Brown	Falk	Jackson	Mariani	Peterson	Thissen
Brynaert	Faust	Johnson	Marquart	Poppe	Tillberry
Buesgens	Fritz	Juhnke	Masin	Reinert	Urdahl
Bunn	Gardner	Kahn	McFarlane	Rosenthal	Wagenius
Carlson	Garofalo	Kalin	McNamara	Rukavina	Ward
Champion	Gottwalt	Kath	Morgan	Ruud	Welti
Clark	Greiling	Kelly	Morrow	Sailer	Westrom
Cornish	Gunther	Kiffmeyer	Mullery	Sanders	Winkler
Davids	Hackbarth	Knuth	Murdock	Scalze	Zellers
Davnie	Hamilton	Koenen	Murphy, E.	Scott	Spk. Kelliher
Dean	Hansen	Kohls	Murphy, M.	Seifert	

A quorum was present.

Laine and Torkelson were excused.

Huntley was excused until 1:50 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Murphy, M., moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 176, A bill for an act relating to health; requiring a replacement death record when ordered by the court; amending Minnesota Statutes 2008, sections 144.221, by adding a subdivision; 390.23.

Reported the same back with the following amendments:

Page 1, line 13, delete "register a replacement" and insert "amend the"

Page 1, line 14, delete everything after the period

Page 1, delete line 15

Page 2, line 7, delete "a replacement" and insert "an amendment to the"

Page 2, after line 8, insert:

"Sec. 4. **EFFECTIVE DATE.**

This act is effective the day following final enactment and is effective for death records registered as of January 1, 2001."

Amend the title as follows:

Page 1, line 2, delete "a replacement" and insert "an amended"

With the recommendation that when so amended the bill pass.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 353, A resolution relating to Lake of the Woods.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 376, A bill for an act relating to natural resources; adding trails to the grant-in-aid snowmobile trail system; amending Minnesota Statutes 2008, section 84.83, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 84.793, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** (a) After January 1, 1995, a person less than 16 years of age operating an off-highway motorcycle on public lands or waters must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

(b) Except for operation on public road rights-of-way that is permitted under section 84.795, subdivision 1, a driver's license issued by the state or another state is required to operate an off-highway motorcycle along or on a public road right-of-way.

(c) A person under 12 years of age may not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an off-highway motorcycle on a public road right-of-way in the state; or

(3) operate an off-highway motorcycle on public lands or waters unless accompanied ~~on another off-highway motorcycle~~ by a person 18 years of age or older or participating in an event for which the commissioner has issued a special use permit.

(d) Except for public road rights-of-way of interstate highways, a person less than 16 years of age may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway only if that person is accompanied ~~on another off-highway motorcycle~~ by a person 18 years of age or older who holds a valid driver's license.

(e) A person less than 16 years of age may operate an off-highway motorcycle on public road rights-of-way in accordance with section 84.795, subdivision 1, paragraph (a), only if that person is accompanied ~~on another off-highway motorcycle~~ by a person 18 years of age or older who holds a valid driver's license.

Sec. 2. Minnesota Statutes 2008, section 84.83, subdivision 3, is amended to read:

Subd. 3. **Purposes for the account.** The money deposited in the account and interest earned on that money may be expended only as appropriated by law for the following purposes:

(1) for a grant-in-aid program to counties and municipalities for construction and maintenance of snowmobile trails, including maintenance of trails on lands and waters of Voyageurs National Park; on Lake of the Woods; on Rainy Lake, ~~and~~; on the following lakes in St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion; and on the following lakes in Cook County: Devil Track and Hungry Jack;

(2) for acquisition, development, and maintenance of state recreational snowmobile trails;

(3) for snowmobile safety programs; and

(4) for the administration and enforcement of sections 84.81 to 84.91 and appropriated grants to local law enforcement agencies.

Sec. 3. Minnesota Statutes 2008, section 85.015, subdivision 13, is amended to read:

Subd. 13. **Arrowhead Region Trails, in Cook, Lake, St. Louis, Pine, Carlton, Koochiching, and Itasca Counties.** (a)(1) The Taconite Trail shall originate at Ely in St. Louis County and extend southwesterly to Tower in St. Louis County, thence westerly to McCarthy Beach State Park in St. Louis County, thence southwesterly to Grand Rapids in Itasca County and there terminate;

(2) The ~~Northshore~~ C. J. Ramstad Memorial Trail shall originate in Duluth in St. Louis County and extend northeasterly to Two Harbors in Lake County, thence northeasterly to Grand Marais in Cook County, thence northeasterly to the international boundary in the vicinity of the north shore of Lake Superior, and there terminate;

(3) The Grand Marais to International Falls Trail shall originate in Grand Marais in Cook County and extend northwesterly, outside of the Boundary Waters Canoe Area, to Ely in St. Louis County, thence southwesterly along the route of the Taconite Trail to Tower in St. Louis County, thence northwesterly through the Pelican Lake area in St. Louis County to International Falls in Koochiching County, and there terminate;

(4) The Minnesota-Wisconsin Boundary Trail shall originate in Duluth in St. Louis County and extend southerly to St. Croix State Forest in Pine County.

(b) The trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Arrowhead Region trails may be acquired by eminent domain. Before acquiring any land or interest in land by eminent domain the commissioner of administration shall obtain the approval of the governor. The governor shall consult with the Legislative Advisory Commission before granting approval. Recommendations of the Legislative Advisory Commission shall be advisory only. Failure or refusal of the commission to make a recommendation shall be deemed a negative recommendation.

Sec. 4. Minnesota Statutes 2008, section 85.015, subdivision 14, is amended to read:

Subd. 14. **Willard Munger Trail System, Chisago, Ramsey, Pine, St. Louis, Carlton, and Washington Counties.** (a) The trail shall consist of six segments. One segment shall be known as the Gateway Trail and shall originate at the State Capitol and extend northerly and northeasterly to William O'Brien State Park, thence northerly to Taylors Falls in Chisago County. ~~One segment shall be known as the Boundary Trail and shall originate in Chisago County and extend into Duluth in St. Louis County.~~ One segment shall be known as the Browns Creek Trail and shall originate at Duluth Junction and extend into Stillwater in Washington County. One segment shall be known as the Munger Trail and shall originate at Hinckley in Pine County and extend through Moose Lake in Carlton County to Duluth in St. Louis County. One segment shall be known as the Alex Laveau Trail and shall originate in Carlton County at Carlton and extend through Wrenshall to the Minnesota-Wisconsin border. One segment shall be established that extends the trail to include the cities of Proctor, Duluth, and Hermantown in St. Louis County.

(b) The Gateway and Browns Creek Trails shall be developed primarily for hiking and nonmotorized riding and the remaining trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Gateway and Browns Creek Trails may be acquired by eminent domain.

Sec. 5. **SIGNS.**

The commissioner of natural resources shall adopt a suitable marking design to mark the C.J. Ramstad Memorial Trail and shall erect the appropriate signs after the commissioner has been assured of the availability of funds from nonstate sources sufficient to pay all costs related to designing, erecting, and maintaining the signs."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying restrictions on youth operation of off-highway motorcycles; adding to state grant-in-aid snowmobile trail system; renaming Northshore Trail; reassigning Boundary Trail to Arrowhead Region Trails; amending Minnesota Statutes 2008, sections 84.793, subdivision 1; 84.83, subdivision 3; 85.015, subdivisions 13, 14."

With the recommendation that when so amended the bill pass.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 453, A bill for an act relating to human services; modifying MFIP and food stamp provisions; amending Minnesota Statutes 2008, sections 256D.0515; 256J.42, by adding a subdivision; repealing Minnesota Statutes 2008, section 256J.24, subdivision 6.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 454, A bill for an act relating to health; modifying provisions for disposition of a deceased person; amending Minnesota Statutes 2008, section 149A.80, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 7, before "The" insert "(a)"

Page 2, line 8, before "For" insert "(b)"

Page 2, after line 11, insert:

"(c) For purposes of this subdivision, "domestic partners" are persons who:

(1) are the same sex;

(2) are adults and mentally competent to enter into legally binding contracts;

(3) have assumed responsibility for each other's basic common welfare, financial obligations, and well being;

(4) share a common domicile and primary residence with each other on a permanent basis;

(5) have a committed interdependent relationship with each other, intend to continue that relationship indefinitely, and do not have this type of relationship with any other person;

(6) are not married to another person and have not entered into a domestic partnership arrangement that is currently in effect; and

(7) are not related by blood or adoption so that a marriage between them would be prohibited under section 517.03, subdivision 1, paragraph (a), clause (2) or (3)."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 487, A bill for an act relating to natural resources; requiring nonresident all-terrain vehicle operators to possess a state trail pass; amending Minnesota Statutes 2008, section 84.0835, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Page 2, after line 1, insert:

"Sec. 2. Minnesota Statutes 2008, section 84.922, subdivision 1a, is amended to read:

Subd. 1a. **Exemptions.** All-terrain vehicles exempt from registration are:

(1) vehicles owned and used by the United States, the state, another state, or a political subdivision;

(2) vehicles registered in another state or country that have not been in this state for more than 30 consecutive days;

(3) vehicles that:

(i) are owned by a resident of another state or country that does not require registration of all-terrain vehicles;

(ii) have not been in this state for more than 30 consecutive days; and

(iii) are operated on state and grant-in-aid trails by a nonresident possessing a nonresident all-terrain vehicle state trail pass;

~~(3)~~ (4) vehicles used exclusively in organized track racing events; and

~~(4)~~ (5) vehicles that are 25 years old or older and were originally produced as a separate identifiable make by a manufacturer."

Page 2, line 10, delete "April" and insert "January" and delete "March" and insert "December"

Page 3, after line 6, insert:

"Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective January 1, 2010."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "modifying all-terrain vehicle registration exemptions;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hornstein from the Transportation and Transit Policy and Oversight Division to which was referred:

H. F. No. 571, A bill for an act relating to transportation; regulating titling, registration, and operation of mini trucks; amending Minnesota Statutes 2008, sections 84.798, subdivision 2; 84.922, subdivision 1a; 168.002, subdivision 24, by adding a subdivision; 168.013, by adding a subdivision; 168A.03, subdivision 1; 169.011, subdivision 52, by adding a subdivision; 169.224.

Reported the same back with the following amendments:

Page 1, delete sections 1 and 2

Page 2, delete section 5

Page 3, line 23, delete the first comma and insert a semicolon

Page 5, line 4, after "on" insert "an Interstate highway or on"

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Transportation Finance and Policy Division.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 665, A bill for an act relating to health; providing an exception to the hospital construction moratorium; amending Minnesota Statutes 2008, section 144.551, subdivision 1.

Reported the same back with the following amendments:

Page 5, line 6, after the period, insert "The hospital shall serve patients enrolled in medical assistance."

With the recommendation that when so amended the bill pass.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 671, A bill for an act relating to veterans; eliminating the residency requirement for a complimentary state park pass for a veteran with total and permanent service-connected disability; amending Minnesota Statutes 2008, section 85.053, subdivision 10.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 705, A bill for an act relating to health; promoting preventive health care by requiring high deductible health plans used with a health savings account to cover preventive care with no deductible as permitted by federal law; amending Minnesota Statutes 2008, section 62Q.65.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 802, A bill for an act relating to human services; prohibiting hospital payment for certain hospital-acquired conditions and certain treatments; amending Minnesota Statutes 2008, section 256.969, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 144.7065, subdivision 8, is amended to read:

Subd. 8. **Root cause analysis; corrective action plan.** (a) Following the occurrence of an adverse health care event, the facility must conduct a root cause analysis of the event. Following the analysis, the facility must: (1) implement a corrective action plan to implement the findings of the analysis or (2) report to the commissioner any reasons for not taking corrective action. If the root cause analysis and the implementation of a corrective action plan are complete at the time an event must be reported, the findings of the analysis and the corrective action plan must be included in the report of the event. The findings of the root cause analysis and a copy of the corrective action plan must otherwise be filed with the commissioner within 60 days of the event.

(b) In conducting the root cause analysis of the event, the facility must consider as a factor the staffing levels and the impact of those staffing levels on the event. Factors that must be examined when considering staffing levels include, but are not limited to, the following:

(1) number of patients assigned to each registered nurse in the unit or department where the patient was receiving care at the time of the event;

(2) skill mix and the level of experience of the nursing staff, including registered nurses, licensed practical nurses, nursing assistants, and the temporary or pool staff available at the time the event occurred;

(3) acuity of patients in the unit or department where the event occurred; and

(4) nursing intensity as a measure of nursing care resources needed in the unit or department where the event occurred. For purposes of this subdivision, "nursing intensity" means a patient-specific, not diagnosis-specific, measurement of nursing care resources expended during a patient's hospitalization. A measurement of nursing intensity includes the complexity of care required for a patient and the knowledge and skill needed by a nurse for surveillance of patients in order to make continuous, appropriate clinical decisions in the care of the patients.

Sec. 2. Minnesota Statutes 2008, section 144.7065, subdivision 10, is amended to read:

Subd. 10. **Relation to other law; data classification.** (a) Adverse health events described in subdivisions 2 to 6 do not constitute "maltreatment," "neglect," or "a physical injury that is not reasonably explained" under section 626.556 or 626.557 and are excluded from the reporting requirements of sections 626.556 and 626.557, provided the facility makes a determination within 24 hours of the discovery of the event that this section is applicable and the facility files the reports required under this section in a timely fashion.

(b) A facility that has determined that an event described in subdivisions 2 to 6 has occurred must inform persons who are mandated reporters under section 626.556, subdivision 3, or 626.5572, subdivision 16, of that determination. A mandated reporter otherwise required to report under section 626.556, subdivision 3, or 626.557, subdivision 3, paragraph (e), is relieved of the duty to report an event that the facility determines under paragraph (a) to be reportable under subdivisions 2 to 6.

(c) The protections and immunities applicable to voluntary reports under sections 626.556 and 626.557 are not affected by this section.

(d) Notwithstanding section 626.556, 626.557, or any other provision of Minnesota statute or rule to the contrary, neither a lead agency under section 626.556, subdivision 3c, or 626.5572, subdivision 13, the commissioner of health, nor the director of the Office of Health Facility Complaints is required to conduct an investigation of or obtain or create investigative data or reports regarding an event described in subdivisions 2 to 6. If the facility satisfies the requirements described in paragraph (a), the review or investigation shall be conducted and data or reports shall be obtained or created only under sections 144.706 to 144.7069, except as permitted or

required under sections 144.50 to 144.564, or as necessary to carry out the state's certification responsibility under the provisions of sections 1864 and 1867 of the Social Security Act. If, acting in good faith, a registered nurse reports an event required to be reported under subdivisions 2 to 6, in a timely manner, the Minnesota Board of Nursing is not required to conduct an investigation of or obtain or create investigative data or reports regarding the individual reporting of the events described in subdivisions 2 to 6.

(e) Data contained in the following records are nonpublic and, to the extent they contain data on individuals, confidential data on individuals, as defined in section 13.02:

(1) reports provided to the commissioner under sections 147.155, 147A.155, 148.267, 151.301, and 153.255;

(2) event reports, findings of root cause analyses, and corrective action plans filed by a facility under this section; and

(3) records created or obtained by the commissioner in reviewing or investigating the reports, findings, and plans described in clause (2).

For purposes of the nonpublic data classification contained in this paragraph, the reporting facility shall be deemed the subject of the data.

Sec. 3. Minnesota Statutes 2008, section 256.969, is amended by adding a subdivision to read:

Subd. 3b. Nonpayment for hospital-acquired conditions. (a) The commissioner must not make medical assistance payments to a hospital for any costs of care that result from a condition listed in paragraph (c), if the condition was hospital-acquired.

(b) For purposes of this subdivision, a condition is hospital-acquired if it is not identified by the hospital as present on admission. For purposes of this subdivision, medical assistance includes general assistance medical care and MinnesotaCare.

(c) The prohibition in paragraph (a) applies to payment for:

(1) any hospital-acquired condition listed in this clause that is represented by an ICD-9-CM diagnosis code and is designated as a complicating condition or a major complicating condition:

(i) foreign object retained after surgery (ICD-9-CM code 998.4 or 998.7);

(ii) air embolism (ICD-9-CM code 999.1);

(iii) blood incompatibility (ICD-9-CM code 999.6);

(iv) pressure ulcers stage III or IV (ICD-9-CM code 707.23 or 707.24);

(v) falls and trauma, including fracture, dislocation, intracranial injury, crushing injury, burn, and electric shock (ICD-9-CM codes with these ranges on the complicating condition and major complicating condition list: 800-829; 830-839; 850-854; 925-929; 940-949; and 991-994);

(vi) catheter-associated urinary tract infection (ICD-9-CM code 996.64);

(vii) vascular catheter-associated infection (ICD-9-CM code 999.31);

(viii) manifestations of poor glycemic control (ICD-9-CM codes 249.10; 249.11; 249.20; 249.21; 250.10; 250.11; 250.12; 250.13; 250.20; 250.21; 250.22; 250.23; and 251.0);

(ix) surgical site infection (ICD-9-CM code 996.67 or 998.59) following certain orthopedic procedures (procedure codes 81.01; 81.02; 81.03; 81.04; 81.05; 81.06; 81.07; 81.08; 81.23; 81.24; 81.31; 81.32; 81.33; 81.34; 81.35; 81.36; 81.37; 81.38; 81.83; and 81.85);

(x) surgical site infection (ICD-9-CM code 998.59) following bariatric surgery (procedure code 44.38; 44.39; or 44.95) for a principal diagnosis of morbid obesity (ICD-9-CM code 278.01);

(xi) surgical site infection, mediastinitis (ICD-9-CM code 519.2) following coronary artery bypass graft (procedure codes 36.10 to 36.19); and

(xii) deep vein thrombosis (ICD-9-CM codes 453.40 to 453.42) or pulmonary embolism (ICD-9-CM code 415.11 or 415.91) following total knee replacement (procedure code 81.54) or hip replacement (procedure codes 00.85 to 00.87 or 81.51 to 81.52); and

(2) any hospital-acquired condition identified as nonpayable by the Medicare program including, but not limited to, conditions identified in current and future rules adopted by the Centers for Medicare and Medicaid Services in compliance with section 5001(c) of the Deficit Reduction Act of 2005.

(d) The prohibition in paragraph (a) applies to any additional payments that result from a hospital-acquired condition listed in paragraph (c) including, but not limited to, additional treatment or procedures, readmission to the facility after discharge, increased length of stay, change to a higher diagnostic category, or transfer to another hospital. In the event of a transfer to another hospital, the hospital where the condition listed under paragraph (c) was acquired is responsible for any costs incurred at the hospital to which the patient is transferred.

(e) A hospital shall not bill a recipient of services for any payment disallowed under this subdivision.

Sec. 4. **IMPACT OF ECONOMIC ENVIRONMENT ON STAFFING LEVELS.**

In the event that state funding to hospitals is reduced for the biennium beginning July 1, 2009, hospitals, licensed under Minnesota Statutes, sections 144.50 to 144.56, must submit to the legislature a report on the number of direct care employees, including registered nurses, licensed practical nurses, and nursing assistants, who were laid off by the hospital and the number of direct care positions that were cut or left unfilled as a result of the reduction in state funding. Hospitals must report these numbers to the legislature by December 31, 2009, and by December 31, 2010."

Delete the title and insert:

"A bill for an act relating to health and human services; clarifying hospital root cause analysis requirements; clarifying Minnesota Board of Nursing investigations; prohibiting hospital payment for certain hospital-acquired conditions and treatments; requiring a report; amending Minnesota Statutes 2008, sections 144.7065, subdivisions 8, 10; 256.969, by adding a subdivision."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 817, A bill for an act relating to elections; expanding requirements for postsecondary institutions to report resident student information to the secretary of state for voter registration purposes; requiring enhanced access to voter registration records and records of returned absentee ballots on the World Wide Web; amending Minnesota Statutes 2008, sections 135A.17, subdivision 2; 201.061, subdivisions 1, 3; 201.071, subdivision 1; 201.091, by adding a subdivision; 203B.08, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 11, strike "All postsecondary institutions that enroll"

Page 1, line 12, strike "students accepting state or federal financial aid" and after the stricken "may" insert "(a) Institutions within the Minnesota State Colleges and Universities system"

Page 1, line 14, delete the comma and insert "and"

Page 1, line 15, delete ", and student identification number" and insert "as permitted by applicable privacy laws"

Page 1, line 20, after "institution" insert ", or for institutions within the Minnesota State Colleges and Universities system, by the chancellor,"

Page 2, after line 11, insert:

"(b) Other postsecondary institutions may provide lists as provided by this subdivision or as provided by the rules of the secretary of state. The University of Minnesota is requested to comply with this subdivision."

Page 2, line 12, before "A" insert "(c)"

Page 3, line 13, after the stricken "auditor" insert "or" and reinstate the stricken "in the manner provided in rules of"

Page 3, line 14, reinstate the stricken "the secretary of state"

Page 6, after line 11, insert:

"EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the Web site has been tested, has been shown to properly retrieve information from the correct voter's record, and can handle the expected volume of use."

Page 6, delete section 6

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete everything before "amending"

Amend the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 818, A bill for an act relating to vulnerable adults; authorizing disclosure of financial records in connection with financial exploitation investigations; modifying procedures and duties for reporting and investigating maltreatment; specifying duties of financial institutions in cases alleging financial exploitation; modifying the crime of financial exploitation; imposing criminal and civil penalties; amending Minnesota Statutes 2008, sections 13A.02, subdivision 1; 13A.04, subdivision 1; 256B.0595, subdivision 4b; 299A.61, subdivision 1; 388.23, subdivision 1; 609.2335; 609.52, subdivision 3; 611A.033; 626.557, subdivisions 4, 5, 9, 9b, 9e, by adding subdivisions; 626.5572, subdivisions 5, 21; 628.26.

Reported the same back with the following amendments:

Page 1, lines 19 and 20, strike the old language

Page 1, after line 20, insert:

"(3) the financial records are disclosed to law enforcement, a lead agency as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating financial exploitation of a vulnerable adult in response to a judicial subpoena or administrative subpoena under section 388.23; or"

Page 1, line 22, delete "or"

Page 1, lines 23 to 26, delete the new language

Page 2, before line 1, insert:

"Sec. 2. Minnesota Statutes 2008, section 13A.02, subdivision 2, is amended to read:

Subd. 2. **Release prohibited.** No financial institution, or officer, employee, or agent of a financial institution, may provide to any government authority access to, or copies of, or the information contained in, the financial records of any customer except in accordance with the provisions of this chapter.

Nothing in this chapter shall require a financial institution to inquire or determine that those seeking disclosure have duly complied with the requirements of this chapter, provided only that the customer authorization, search warrant, subpoena, or written certification pursuant to section 609.535, subdivision 6; 626.557; or other statute or rule, served on or delivered to a financial institution shows compliance on its face."

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 842, A bill for an act relating to health; making technical changes for emergency medical services; amending Minnesota Statutes 2008, section 144E.101, subdivisions 6, 7.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 877, A bill for an act relating to environment; establishing a grant program for idling reduction technology purchases; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

Reported the same back with the following amendments:

Page 1, delete lines 7 to 11, and insert:

"Subdivision 1. **Definition.** As used in this section:

(1) "commercial motor vehicle" has the meaning given in section 169.011, subdivision 16, paragraph (a), clauses (1), (2), and (4), and paragraph (b); and

(2) "idling reduction device" means equipment that is installed on a diesel-powered commercial motor vehicle to reduce long-duration idling and that is designed to provide heat, air conditioning, or electricity that would otherwise require operation of the main drive engine while the commercial motor vehicle is temporarily parked or stationary."

Page 2, after line 14, insert:

"(g) The grant program in this section shall be implemented only if the agency's application for federal funding, as required under subdivision 4, is successful.

Subd. 4. **Federal funds.** The agency must submit an application to the federal Environmental Protection Agency for competitive grant funds made available under the federal Diesel Emission Reduction Act's State Clean Diesel Grant Program, as specified in the American Recovery and Reinvestment Act of 2009, Public Law 111-5. The application must request funding to reduce the cost of purchasing and installing idling reduction devices in diesel-powered commercial vehicles. Any funds awarded to the agency as a result of the application must be expended on the grant program described in this section.

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

Page 2, delete section 2

Amend the title as follows:

Page 1, line 3, delete "appropriating money;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 908, A bill for an act relating to unemployment insurance; providing for one year extensions of shared work plans; amending Minnesota Statutes 2008, section 268.135, subdivisions 1, 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[268.136] SHARED WORK.**

Subdivision 1. **Purpose.** Shared work provides partial unemployment benefits to employees whose normal weekly hours of work are reduced, with a proportional reduction in total weekly pay, in order to prevent layoffs because of lack of work. This group of employees may not otherwise be entitled to any unemployment benefits because their earnings from working reduced hours would cause them to be ineligible and they would not meet a number of other eligibility requirements.

Subd. 2. **Shared work agreement requirements.** (a) An employer may submit a proposed shared work plan for an employee group to the commissioner for approval in a manner and format set by the commissioner. The proposed agreement must include:

(1) a certified statement that the normal weekly hours of work of all of the proposed participating employees was full-time but are now reduced, or will be reduced, with a corresponding reduction in pay, in order to prevent layoffs;

(2) the name and Social Security number of each participating employee;

(3) a certified statement of when each participating employee was first hired by the employer, which must be at least one year before the proposed agreement is submitted;

(4) the hours of work each participating employee will work each week for the duration of the agreement, which must be at least 20 hours and no more than 32 hours per week, except that the agreement may provide for a uniform vacation shutdown of up to two weeks;

(5) the proposed duration of the agreement, which must be at least two months and not more than one year, although an agreement may be extended for up to an additional year upon approval of the commissioner;

(6) a starting date beginning on a Sunday at least 15 calendar days after the date the proposed agreement is submitted; and

(7) a signature of an owner or officer of the employer who is listed as an owner or officer on the employer's account under section 268.045.

(b) An agreement may not be approved for an employer that:

(1) has any unemployment tax or reimbursements, including any interest, fees, or penalties, due but unpaid;

(2) has the maximum experience rating provided for under section 268.051, subdivision 3; or

(3) is in a high-experience rating industry as defined in section 268.051, subdivision 5.

Subd. 3. **Agreement by commissioner.** (a) The commissioner must promptly review a proposed agreement and notify the employer, by mail or electronic transmission, within 15 days of receipt, whether the proposal satisfies the requirements of this section. If the proposal does not comply with this section, the commissioner must specifically state why the proposal is not in compliance. If a proposed agreement complies with this section, it must be implemented according to its terms.

(b) The commissioner may reject an agreement if the commissioner has cause to believe the proposal is not submitted for the purpose of preventing layoffs due to lack of work.

Subd. 4. **Applicant requirements.** (a) An applicant, in order to be paid unemployment benefits under this section, must meet all of the requirements under section 268.069, subdivision 1. The following do not apply to an applicant under this section:

(1) the deductible earnings provision of section 268.085, subdivision 5;

(2) the restriction under section 268.085, subdivision 6, if the applicant works exactly 32 hours in a week;

(3) the requirement of being available for suitable employment; and

(4) the requirement of actively seeking suitable employment.

(b) An applicant is ineligible for unemployment benefits under this section for any week, if:

(1) the applicant works more than 32 hours in a week in employment with one or more employer; or

(2) the applicant works more hours in a week for the shared work employer than the reduced weekly hours provided for in the agreement.

Subd. 5. **Amount of unemployment benefits available.** The weekly benefit amount and maximum amount of unemployment benefits available are computed according to section 268.07, except that an applicant is paid a reduced amount in direct proportion to the reduction in hours from the normal weekly hours.

Subd. 6. **Cancellation.** (a) An employer may cancel an agreement at any time upon seven calendar days' notice to the commissioner in a manner and format prescribed by the commissioner. The cancellation must be signed by an owner or officer of the employer.

(b) An employer that cancels an agreement must provide written notice to each participating employee in the group of the cancellation at the time notice is sent to the commissioner.

(c) If an employer cancels an agreement before the expiration date provided for in subdivision 2, a new agreement may not be entered into with that employer under this section for at least 60 calendar days.

(d) The commissioner may immediately cancel any agreement if the commissioner determines the agreement was based upon false information or the employer is in breach of the contract. The commissioner must immediately send written notice of cancellation to the employer. An employer that receives notice of cancellation by the commissioner must provide written notice to each participating employer in the group of the cancellation.

EFFECTIVE DATE. This section is effective August 2, 2009, except that the one-year extension of shared work agreements authorized in subdivision 2, paragraph (a), clause (5), is effective retroactively from January 1, 2009.

Sec. 2. **REPEALER.**

Minnesota Statutes 2008, section 268.135, is repealed, except that Minnesota Statutes, section 268.135, applies to a shared work agreement approved by the commissioner before August 2, 2009, until the expiration of that shared work plan.

EFFECTIVE DATE. This section is effective August 2, 2009."

Delete the title and insert:

"A bill for an act relating to unemployment insurance; providing for a shared work plan; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2008, section 268.135."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 924, A bill for an act relating to natural resources; renaming the Northshore Trail; amending Minnesota Statutes 2008, section 85.015, subdivision 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 85.015, subdivision 13, is amended to read:

Subd. 13. **Arrowhead Region Trails, in Cook, Lake, St. Louis, Pine, Carlton, Koochiching, and Itasca Counties.** (a)(1) The Taconite Trail shall originate at Ely in St. Louis County and extend southwesterly to Tower in St. Louis County, thence westerly to McCarthy Beach State Park in St. Louis County, thence southwesterly to Grand Rapids in Itasca County and there terminate;

(2) The ~~Northshore~~ C.J. Ramstad Memorial Trail shall originate in Duluth in St. Louis County and extend northeasterly to Two Harbors in Lake County, thence northeasterly to Grand Marais in Cook County, thence northeasterly to the international boundary in the vicinity of the north shore of Lake Superior, and there terminate;

(3) The Grand Marais to International Falls Trail shall originate in Grand Marais in Cook County and extend northwesterly, outside of the Boundary Waters Canoe Area, to Ely in St. Louis County, thence southwesterly along the route of the Taconite Trail to Tower in St. Louis County, thence northwesterly through the Pelican Lake area in St. Louis County to International Falls in Koochiching County, and there terminate;

(4) The Minnesota-Wisconsin Boundary Trail shall originate in Duluth in St. Louis County and extend southerly to St. Croix State Forest in Pine County.

(b) The trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Arrowhead Region trails may be acquired by eminent domain. Before acquiring any land or interest in land by eminent domain the commissioner of administration shall obtain the approval of the governor. The governor shall consult with the Legislative Advisory Commission before granting approval. Recommendations of the Legislative Advisory Commission shall be advisory only. Failure or refusal of the commission to make a recommendation shall be deemed a negative recommendation.

Sec. 2. Minnesota Statutes 2008, section 85.015, subdivision 14, is amended to read:

Subd. 14. **Willard Munger Trail System, Chisago, Ramsey, Pine, St. Louis, Carlton, and Washington Counties.** (a) The trail shall consist of six segments. One segment shall be known as the Gateway Trail and shall originate at the State Capitol and extend northerly and northeasterly to William O'Brien State Park, thence northerly to Taylors Falls in Chisago County. ~~One segment shall be known as the Boundary Trail and shall originate in Chisago County and extend into Duluth in St. Louis County.~~ One segment shall be known as the Browns Creek Trail and shall originate at Duluth Junction and extend into Stillwater in Washington County. One segment shall be known as the Munger Trail and shall originate at Hinckley in Pine County and extend through Moose Lake in Carlton County to Duluth in St. Louis County. One segment shall be known as the Alex Laveau Trail and shall originate in Carlton County at Carlton and extend through Wrenshall to the Minnesota-Wisconsin border. One segment shall be established that extends the trail to include the cities of Proctor, Duluth, and Hermantown in St. Louis County.

(b) The Gateway and Browns Creek Trails shall be developed primarily for hiking and nonmotorized riding and the remaining trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Gateway and Browns Creek Trails may be acquired by eminent domain.

Sec. 3. **SIGNS.**

The commissioner of natural resources shall adopt a suitable marking design to mark the C.J. Ramstad Memorial Trail and shall erect the appropriate signs after the commissioner has been assured of the availability of funds from nonstate sources sufficient to pay all costs related to designing, erecting, and maintaining the signs."

Delete the title and insert:

"A bill for an act relating to natural resources; renaming the Northshore Trail; placing the Boundary Trail under the Arrowhead Regional Trail System; amending Minnesota Statutes 2008, section 85.015, subdivisions 13, 14."

With the recommendation that when so amended the bill pass.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 984, A bill for an act relating to human services; authorizing medical assistance coverage of primary care health care providers performing primary caries prevention services as part of the child and teen checkup program; amending Minnesota Statutes 2008, section 256B.0625, subdivision 14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 256B.0625, subdivision 14, is amended to read:

Subd. 14. **Diagnostic, screening, and preventive services.** (a) Medical assistance covers diagnostic, screening, and preventive services.

(b) "Preventive services" include services related to pregnancy, including:

(1) services for those conditions which may complicate a pregnancy and which may be available to a pregnant woman determined to be at risk of poor pregnancy outcome;

(2) prenatal HIV risk assessment, education, counseling, and testing; and

(3) alcohol abuse assessment, education, and counseling on the effects of alcohol usage while pregnant. Preventive services available to a woman at risk of poor pregnancy outcome may differ in an amount, duration, or scope from those available to other individuals eligible for medical assistance.

(c) "Screening services" include, but are not limited to, blood lead tests.

(d) The commissioner shall encourage, at the time of the child and teen checkup or at an episodic care visit, the primary care health care provider to perform primary caries preventive services. Primary caries preventive services include, at a minimum:

(1) a general visual examination of the child's mouth without using probes or other dental equipment or taking radiographs;

(2) a risk assessment using the factors established by the American Academies of Pediatrics and Pediatric Dentistry; and

(3) the application of a fluoride varnish beginning at age 1 to those children assessed by the provider as being high risk in accordance with best practices as defined by the Department of Human Services.

At each checkup, if primary caries preventive services are provided, the provider must provide to the child's parent or legal guardian: information on caries etiology and prevention; and information on the importance of finding a dental home for their child by the age of 1. The provider must also advise the parent or legal guardian to contact the child's managed care plan or the Department of Human Services in order to secure a dental appointment with a dentist. The provider must indicate in the child's medical record that the parent or legal guardian was provided with this information and that primary caries prevention services were provided to the child."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hornstein from the Transportation and Transit Policy and Oversight Division to which was referred:

H. F. No. 988, A bill for an act relating to drivers' licenses; prohibiting commissioner of public safety from complying with Real ID Act.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety Policy and Oversight.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1050, A bill for an act relating to public safety; repealing authorization that certain short term commitments to the commissioner of corrections be served in county jails; amending Minnesota Statutes 2008, section 609.105, subdivision 1; repealing Minnesota Statutes 2008, section 609.105, subdivisions 1a, 1b.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 1053, A bill for an act relating to elections; requiring certain public officials to provide additional data to the secretary of state for use in maintaining the voter registration system; providing for automatic voter registration of applicants for a driver's license, instruction permit, or identification card; amending Minnesota Statutes 2008, sections 201.13, by adding a subdivision; 201.14; 201.15, subdivisions 1, 2; 201.155; 201.161; proposing coding for new law in Minnesota Statutes, chapter 201.

Reported the same back with the following amendments:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 2008, section 201.121, subdivision 2, is amended to read:

Subd. 2. **Notice of registration; challenges.** The county auditor shall mail a notice indicating the individual's name, address, precinct and polling place to each registered voter. The notice must inform the voter that, if eligible, the voter is now registered to vote, that it is a felony to vote if an individual is not eligible, and that the voter should immediately call the voter registration office if the voter is not eligible or does not want to be registered to vote. The notice must contain a description of voter eligibility criteria and appropriate contact information for the Office of the County Auditor. The notice shall indicate that it must be returned if it is not deliverable to the voter at the named address. Upon return of the notice by the postal service, the county auditor shall change the registrant's status to "challenged" in the statewide registration system. An individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote."

Page 1, line 13, delete "may" and insert "shall"

Page 1, line 22, after the first comma, insert "and, if available," and before the first "the" insert ", if available,"

Page 1, line 23, delete ", if available,"

Page 2, after line 6, insert:

EFFECTIVE DATE. This section is effective the day following final certification by the secretary of state that the statewide voter registration system has been tested and is capable of performing the functions required by this section.

Page 2, line 10, after "birth" insert ", and, if available"

Page 2, line 12, delete ", if available,"

Page 2, after line 23, insert:

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

Page 2, line 28, after "birth" insert ", and, if available"

Page 2, line 29, delete ", if available,"

Page 3, after line 2, insert:

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

Page 3, line 7, after the second comma, insert "and, if available," and before "the" insert "and, if available,"

Page 3, line 8, delete "if available,"

Page 3, after line 15, insert:

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

Pages 3 to 4, delete sections 6 and 7 and insert:

"Sec. 7. **[201.157] USE OF DEPARTMENT OF CORRECTIONS DATA.**

As required by the Help America Vote Act of 2002, Public Law 107-252, the commissioner of corrections shall make electronic data available to the secretary of state on individuals 18 years of age or older who are currently serving felony sentences under the commissioner's jurisdiction. The data must include the name, date of birth, state identification number, and if available, the driver's license or state identification card number, and the last four digits of the individual's Social Security number.

At least monthly, the secretary of state must determine:

(1) if any individual with an active voter registration in the statewide registration system is currently serving a felony sentence under the commissioner's jurisdiction and the individual's voter record does not already have a challenged status due to a felony conviction;

(2) if any individual with an active voter registration in the statewide registration system who is currently serving a felony sentence under the commissioner's jurisdiction appears to have registered or to have voted during a period when the individual's civil rights were revoked; and

(3) if any individual with a voter record that has a challenged status due to a felony conviction who was serving a felony sentence under the commissioner's jurisdiction has been discharged from that sentence.

The secretary of state shall prepare a list of the registrants included under clause (1), (2), or (3), for each county auditor. For individuals under clause (1), the county auditor shall challenge the individual's record in the statewide registration system. The county auditor must provide information to the county attorney about individuals under clause (2) for the county attorney's investigation. For individuals under clause (3), the county auditor must determine if the challenge status should be removed from the voter record for the individual, and if so, must remove the challenge.

EFFECTIVE DATE. This section is effective the day following final certification by the secretary of state that the statewide voter registration system has been tested and is capable of performing the functions required by this section."

Page 5, line 1, before the comma, insert "or has provided an address other than the applicant's address of residence under section 171.12, subdivision 7, paragraph (d)"

Page 5, line 20, after "201.155" insert ", and with data received from the commissioner of corrections under section 201.157,"

Page 5, line 28, after "date" insert "of registration"

Page 5, after line 30, insert:

EFFECTIVE DATE. This section is effective August 1, 2009, except that an applicant for a Minnesota driver's license, instruction permit, or identification card must not be automatically registered to vote until the commissioner of public safety has certified that the department's systems have been tested and can accurately provide the necessary data and the secretary of state has certified that the system for automatic registration of those applicants has been tested and is capable of properly determining whether an applicant is eligible to vote."

Page 5, delete section 10 and insert:

"Sec. 10. Minnesota Statutes 2008, section 204C.08, is amended by adding a subdivision to read:

Subd. 2b. **Roster table notice.** A notice must be placed prominently next to the roster to inform each voter that by signing the roster, the voter is swearing or affirming that the voter is eligible to vote, and that it is a felony for an individual to vote if the individual is not eligible. The notice must provide a description of the eligibility criteria for voting."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "changing certain notice requirements;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1088, A bill for an act relating to public safety; commercial motor vehicle operators; conforming commercial driver's license record-keeping requirements to federal regulations; proposing coding for new law in Minnesota Statutes, chapter 171.

Reported the same back with the recommendation that the bill pass and be re-referred to the Transportation and Transit Policy and Oversight Division.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 1127, A bill for an act relating to veterans; clarifying the circumstances under which pay differential applies for deployed National Guard and reserve members who are teachers; amending Minnesota Statutes 2008, section 471.975.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 471.975, is amended to read:

471.975 MAY PAY DIFFERENTIAL OF RESERVE ON ACTIVE DUTY.

(a) Except as provided in paragraph (b), a statutory or home rule charter city, county, town, or other political subdivision may pay to each eligible member of the National Guard or other reserve component of the armed forces of the United States an amount equal to the difference between the member's ~~basic~~ base active duty military salary and the salary the member would be paid as an active political subdivision employee, including any adjustments the member would have received if not on leave of absence. This payment may be made only to a person whose ~~basic~~ base active duty military salary is less than the salary the person would be paid as an active political subdivision employee. Back pay authorized by this section may be paid in a lump sum. Payment under this section must not extend beyond four years from the date the employee reported for active service, plus any additional time the employee may be legally required to serve.

(b) Subject to the limits under paragraph (g), each school district shall pay to each eligible member of the National Guard or other reserve component of the armed forces of the United States an amount equal to the difference between the member's ~~basic~~ base active duty military salary and the salary the member would be paid as an active school district employee, including any adjustments the member would have received if not on leave of absence. The pay differential must be based on a comparison between the member's daily base rate of active duty pay, calculated by dividing the member's base military monthly salary by the number of paid days in the month, and the member's daily rate of pay for the member's school district salary, calculated by dividing the member's total school district salary by the number of contract days. The member's salary as a school district employee must include the member's basic salary and any additional salary the member earns from the school district for cocurricular activities. The differential payment under this paragraph must be the difference between the daily base rates of ~~military~~ pay times the number of school district contract days the member misses because of military active duty. This payment may be made only to a person whose ~~basic active duty military salary~~ daily base rate of active duty pay is less than the ~~salary the person would be paid~~ person's daily rate of pay as an active school district employee. Payments may be made at the intervals at which the member received pay as a school district employee. Payment under this section must not extend beyond four years from the date the employee reported for active service, plus any additional time the employee may be legally required to serve.

(c) An eligible member of the reserve components of the armed forces of the United States is a reservist or National Guard member who was an employee of a political subdivision at the time the member reported for active service on or after May 29, 2003, or who is on active service on May 29, 2003.

(d) Except as provided in paragraph (e) and elsewhere in Minnesota Statutes, a statutory or home rule charter city, county, town, or other political subdivision has total discretion regarding employee benefit continuation for a member who reports for active service and the terms and conditions of any benefit.

(e) A school district must continue the employee's enrollment in health and dental coverage, and the employer contribution toward that coverage, until the employee is covered by health and dental coverage provided by the armed forces. If the employee had elected dependent coverage for health or dental coverage as of the time that the employee reported for active service, a school district must offer the employee the option to continue the dependent coverage at the employee's own expense. A school district must permit the employee to continue participating in any pretax account in which the employee participated when the employee reported for active service, to the extent of employee pay available for that purpose.

(f) For purposes of this section, "active service" has the meaning given in section 190.05, subdivision 5, but excludes service performed exclusively for purposes of:

- (1) basic combat training, advanced individual training, annual training, and periodic inactive duty training;
- (2) special training periodically made available to reserve members; and

(3) service performed in accordance with section 190.08, subdivision 3.

(g) A school district making payments under paragraph (b) shall place a sum equal to any difference between the amount of salary that would have been paid to the employee who is receiving the payments and the amount of salary being paid to substitutes for that employee into a special fund that must be used to pay or partially pay the deployed employee's payments under paragraph (b). A school district is required to pay only this amount to the deployed school district employee.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to members of the National Guard and other reserve components of the United States armed forces serving in active military service on or after that date."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1149, A bill for an act relating to telecommunications; modifying provisions relating to reduced rate regulation and promotion activities; amending Minnesota Statutes 2008, sections 237.411, subdivision 2; 237.626.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 237.411, subdivision 2, is amended to read:

Subd. 2. **Competitive area; defined.** A "competitive area" is an exchange located:

~~(1) in the metropolitan area extended area service toll free calling area; or~~

~~(2) in the cities of Duluth or St. Cloud in Minnesota.~~

Sec. 2. Minnesota Statutes 2008, section 237.626, is amended to read:

237.626 PROMOTION ACTIVITIES.

Subdivision 1. **Promotions.** A telephone company or telecommunications carrier may promote the use of its services by offering a waiver of part or all of a recurring or a nonrecurring charge, a redemption coupon, or a premium with the purchase of a service. Section 237.09 does not apply to promotions under this section, but the customer group to which the promotion is available must be based on reasonable distinctions among customers. ~~No single promotion may be effective for longer than 90 days at a time. The benefits to a particular customer of a promotion must not extend beyond nine months.~~ The service being promoted must have a price that is above the incremental cost of the service, including amortized cost of the promotion. A promotion may take effect the day after the notice is filed with the commission. The notice must identify customers to whom the promotion is available. ~~A telephone company is not required to file cost information except upon request of the department, the Office of the Attorney General, or the commission to determine if a promotion complies with applicable legal requirements. Within five business days of receipt of a request pursuant to this subdivision, or an order of the commission, the telephone company shall provide the requested cost information demonstrating the service being promoted has a price above the incremental cost of service to the Office of the Attorney General, the department, and the commission. The telephone company shall file this cost information with the commission soon thereafter.~~

Subd. 2. **Bundled service.** (a) A telephone company or telecommunications carrier may offer telecommunications services subject to the regulatory jurisdiction of the commission as part of a package of services that may include goods and services other than those subject to the commission's regulatory jurisdiction. Subject to the requirements of this chapter and the associated rules and orders of the commission applicable to those regulated services, a telephone company may establish the prices, terms, and conditions of a package of services, except that:

(1) each telecommunications service subject to the regulatory jurisdiction of the commission must be available to customers on a stand-alone basis; and

(2) at the time the packaged offering is introduced or at the time the packaged price is subsequently changed, the packaged rate or price may not exceed the sum of the unpackaged rates or prices for the individual service elements or services; and

~~(3) in addition to the tariff requirements that apply to the telecommunications elements of the package, the tariff must also contain a general description of the nontelecommunications components of the package.~~

(b) Nothing in this subdivision is intended to extend or diminish the regulatory authority of the commission or the department.

Subd. 3. **Promotions available for resale.** Any promotional offering lasting more than 90 days and filed with the commission under subdivision 1 must be available to qualifying carriers for resale. A qualifying carrier must hold a certificate of authority from the commission and must have an approved interconnection agreement with the company offering the promotion, the terms of which include language governing the resale of services.

Sec. 3. **RULES SUPERSEDED.**

Any provisions of Minnesota Rules, parts 7811.2210, subpart 6, and 7812.2210, subpart 6, that are inconsistent with the amendments made in section 2 are superseded and are not applicable to competitive local exchange carriers.

Sec. 4. **REPEALER.**

Laws 2004, chapter 261, article 6, section 5, as amended by Laws 2005, chapter 10, article 1, section 80, is repealed.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to telecommunications; modifying provisions relating to reduced rate regulation and promotion activities; amending Minnesota Statutes 2008, sections 237.411, subdivision 2; 237.626; repealing Laws 2004, chapter 261, article 6, section 5, as amended."

With the recommendation that when so amended the bill pass.

The report was adopted.

Hornstein from the Transportation and Transit Policy and Oversight Division to which was referred:

H. F. No. 1190, A bill for an act relating to procurement by the state and political subdivisions; modifying motor vehicle purchasing requirements; amending Minnesota Statutes 2008, sections 16C.135, by adding a subdivision; 136F.581, subdivision 1; 169.011, by adding a subdivision; 471.345, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1199, A bill for an act relating to crime; defining felony domestic assault and domestic assault by strangulation as crimes of violence; amending Minnesota Statutes 2008, section 624.712, subdivision 5.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 1219, A bill for an act relating to state employees; requiring that health insurance benefits be made available to domestic partners of state employees if they are also made available to spouses; amending Minnesota Statutes 2008, sections 43A.02, by adding a subdivision; 43A.24, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 1227, A bill for an act relating to unemployment insurance; conforming Minnesota law to the requirements necessary to receive federal stimulus funds; appropriating money; amending Minnesota Statutes 2008, sections 268.035, subdivisions 4, as amended, 23a; 268.07, subdivisions 1, 2; 268.095, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 268.035, subdivision 4, as amended by Laws 2009, chapter 1, section 1, is amended to read:

Subd. 4. **Base period.** (a) "Base period", unless otherwise provided in this subdivision, means the last four completed calendar quarters before the effective date of an applicant's application for unemployment benefits if the application has an effective date occurring after the month following the last completed calendar quarter. The base period defined in this paragraph is considered the primary base period. The base period under this paragraph is as follows:

If the application for unemployment benefits is effective on or between these dates:

February 1 - March 31
 May 1 - June 30
 August 1 - September 30
 November 1 - December 31

The base period is the prior:

January 1 - December 31
 April 1 - March 31
 July 1 - June 30
 October 1 - September 30

(b) If an application for unemployment benefits has an effective date that is during the month following the last completed calendar quarter, then the base period is the first four of the last five completed calendar quarters before the effective date of an applicant's application for unemployment benefits. The base period defined in this paragraph is considered the secondary base period. The base period under this paragraph is as follows:

If the application for unemployment benefits is effective on or between these dates:

January 1 - January 31
 April 1 - April 30
 July 1 - July 31
 October 1 - October 31

The base period is the prior:

October 1 - September 30
 January 1 - December 31
 April 1 - March 31
 July 1 - June 30

(c) If the applicant has insufficient wage credits to establish a benefit account under paragraph (a) or (b), but during the base period under paragraph (a) or (b) an applicant received workers' compensation for temporary disability under chapter 176 or a similar federal law or similar law of another state, or if an applicant whose own serious illness caused a loss of work for which the applicant received compensation for loss of wages from some other source, the applicant may request an extended base period as follows:

(1) if an applicant was compensated for a loss of work of seven to 13 weeks, the base period is the first four of the last six completed calendar quarters before the effective date of the application for unemployment benefits;

(2) if an applicant was compensated for a loss of work of 14 to 26 weeks, the base period is the first four of the last seven completed calendar quarters before the effective date of the application for unemployment benefits;

(3) if an applicant was compensated for a loss of work of 27 to 39 weeks, the base period is the first four of the last eight completed calendar quarters before the effective date of the application for unemployment benefits; and

(4) if an applicant was compensated for a loss of work of 40 to 52 weeks, the base period is the first four of the last nine completed calendar quarters before the effective date of the application for unemployment benefits.

(d) If the applicant has insufficient wage credits to establish a benefit account using the secondary base period under paragraph (b), an alternate base period of the last four completed calendar quarters before the effective date of the applicant's application for unemployment benefits will be used. Establishment of a benefit account is in accordance with section 268.07, subdivision 2.

(e) No base period under paragraph (a), (b), ~~or (c)~~, or (d) may include wage credits upon which a prior benefit account was established.

~~(e) Notwithstanding (f) Regardless of paragraph (a), the secondary base period calculated under in paragraph (b) using the first four of the last five complete calendar quarters before the effective date of the applicant's application for unemployment benefits must be used for an applicant if the applicant has more wage credits under that base period than under the primary base period in paragraph (a).~~

EFFECTIVE DATE. This section is effective for applications for unemployment benefits filed effective on or after August 2, 2009.

Sec. 2. Minnesota Statutes 2008, section 268.035, is amended by adding a subdivision to read:

Subd. 19a. **Immediate family member.** "Immediate family member" means the applicant's spouse, parent, stepparent, son or daughter, stepson or stepdaughter, or grandson or granddaughter.

Sec. 3. Minnesota Statutes 2008, section 268.035, subdivision 21a, is amended to read:

Subd. 21a. **Reemployment assistance training.** (a) An applicant is in "reemployment assistance training" when:

(1) a reasonable and opportunity for suitable employment for the applicant does not exist in the labor market area and it is necessary that the applicant receive additional training in order to obtain will assist the applicant in obtaining suitable employment;

(2) the curriculum, facilities, staff, and other essentials are adequate to achieve the training objective;

(3) the training is vocational ~~in nature~~ or short term academic training ~~vocationally~~ directed to an occupation or skill ~~for which there are reasonable~~ that will substantially enhance the employment opportunities available to the applicant in the applicant's labor market area;

(4) the training course is considered full time by the training provider; and

(5) the applicant is making satisfactory progress in the training.

(b) Full-time training provided through the dislocated worker program, the Trade Act of 1974, as amended, or the North American Free Trade Agreement is considered "reemployment assistance training," if that training course is in accordance with the requirements of that program.

(c) Apprenticeship training provided in order to meet the requirements of an apprenticeship program under chapter 178 is considered "reemployment assistance training."

(d) An applicant is considered in reemployment assistance training only if the training course has actually started or is scheduled to start within 30 calendar days.

EFFECTIVE DATE. This section is effective for determinations and appeal decisions issued on or after the day following final enactment.

Sec. 4. Minnesota Statutes 2008, section 268.035, subdivision 23a, is amended to read:

Subd. 23a. **Suitable employment.** (a) Suitable employment means employment in the applicant's labor market area that is reasonably related to the applicant's qualifications. In determining whether any employment is suitable for an applicant, the degree of risk involved to the health and safety, physical fitness, prior training, experience, length of unemployment, prospects for securing employment in the applicant's customary occupation, and the distance of the employment from the applicant's residence is considered.

(b) In determining what is suitable employment, primary consideration is given to the temporary or permanent nature of the applicant's separation from employment and whether the applicant has favorable prospects of finding employment in the applicant's usual or customary occupation at the applicant's past wage level within a reasonable period of time.

If prospects are unfavorable, employment at lower skill or wage levels is suitable if the applicant is reasonably suited for the employment considering the applicant's education, training, work experience, and current physical and mental ability.

The total compensation must be considered, including the wage rate, hours of employment, method of payment, overtime practices, bonuses, incentive payments, and fringe benefits.

(c) When potential employment is at a rate of pay lower than the applicant's former rate, consideration must be given to the length of the applicant's unemployment and the proportion of difference in the rates. Employment that may not be suitable because of lower wages during the early weeks of the applicant's unemployment may become suitable as the duration of unemployment lengthens.

(d) For an applicant seasonally unemployed, suitable employment includes temporary work in a lower skilled occupation that pays average gross weekly wages equal to or more than 150 percent of the applicant's weekly unemployment benefit amount.

(e) If a majority of the applicant's ~~wage credits were earned from~~ weeks of employment in the base period includes part-time employment, part-time employment in a position with comparable skills and comparable hours that ~~pays average gross weekly comparable wages equal to or more than 150 percent of the applicant's weekly unemployment benefit amount~~ is considered suitable employment.

Full-time employment is not considered suitable employment for an applicant if a majority of the applicant's weeks of employment in the base period includes part-time employment.

(f) To determine suitability of employment in terms of shifts, the arrangement of hours in addition to the total number of hours is to be considered. Employment on a second, third, rotating, or split shift is suitable employment if it is customary in the occupation in the labor market area.

(g) Employment is not considered suitable if:

(1) the position offered is vacant because of a labor dispute;

(2) the wages, hours, or other conditions of employment are substantially less favorable than those prevailing for similar employment in the labor market area; or

(3) as a condition of becoming employed, the applicant would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

EFFECTIVE DATE. This section is effective August 2, 2009.

Sec. 5. Minnesota Statutes 2008, section 268.07, subdivision 1, is amended to read:

Subdivision 1. **Application for unemployment benefits; determination of benefit account.** (a) An application for unemployment benefits may be filed in person, by mail, or by electronic transmission as the commissioner may require. The applicant must be unemployed at the time the application is filed and must provide all requested information in the manner required. If the applicant is not unemployed at the time of the application or fails to provide all requested information, the communication is not considered an application for unemployment benefits.

(b) The commissioner shall examine each application for unemployment benefits to determine the base period and the benefit year, and based upon all the covered employment in the base period the commissioner shall determine the weekly unemployment benefit amount available, if any, and the maximum amount of unemployment benefits available, if any. The determination is known as the determination of benefit account. A determination of benefit account must be sent to the applicant and all base period employers, by mail or electronic transmission.

(c) If a base period employer did not provide wage detail information for the applicant as ~~provided for in required under~~ section 268.044, or provided erroneous information, or wage detail is not yet due and the applicant is using an alternate base period under section 268.035, subdivision 4, paragraph (d), the commissioner may accept an applicant certification ~~as to~~ of wage credits, based upon the applicant's records, and issue a determination of benefit account.

(d) An employer must provide wage detail information on an applicant within five calendar days of request by the commissioner, in a manner and format requested, when:

(1) the applicant is using an alternate base period under section 268.035, subdivision 4, paragraph (d); and

(2) wage detail under section 268.044 is not yet required to have been filed by the employer.

~~(d)~~ (e) The commissioner may, at any time within 24 months from the establishment of a benefit account, reconsider any determination of benefit account and make an amended determination if the commissioner finds that the determination was incorrect for any reason. An amended determination must be promptly sent to the applicant and all base period employers, by mail or electronic transmission.

~~(e)~~ (f) If an amended determination of benefit account reduces the weekly unemployment benefit amount or maximum amount of unemployment benefits available, any unemployment benefits that have been paid greater than the applicant was entitled is considered an overpayment of unemployment benefits. A determination or amended determination issued under this section that results in an overpayment of unemployment benefits must set out the amount of the overpayment and the requirement under section 268.18, subdivision 1, that the overpaid unemployment benefits must be repaid.

EFFECTIVE DATE. This section is effective for applications for unemployment benefits filed effective on or after August 2, 2009.

Sec. 6. Minnesota Statutes 2008, section 268.07, subdivision 2, is amended to read:

Subd. 2. **Benefit account requirements and weekly unemployment benefit amount and maximum amount of unemployment benefits.** (a) To establish a benefit account using the primary base period under section 268.035, subdivision 4, paragraph (a), an applicant must have:

(1) wage credits in the high quarter ~~wage credits~~ of \$1,000 or more; and

(2) wage credits, in other than the high quarter, of \$250 or more.

To establish a benefit account using the secondary base period under section 268.035, subdivision 4, paragraph (b), an applicant must have wage credits in the high quarter of \$1,000 or more.

(b) If an applicant has established a benefit account, the weekly unemployment benefit amount available during the benefit year is the higher of:

(1) 50 percent of the applicant's average weekly wage during the base period, to a maximum of 66-2/3 percent of the state's average weekly wage; or

(2) 50 percent of the applicant's average weekly wage during the high quarter, to a maximum of 43 percent of the state's average weekly wage.

The applicant's average weekly wage under clause (1) is computed by dividing the total wage credits by 52. The applicant's average weekly wage under clause (2) is computed by dividing the high quarter wage credits by 13.

(c) The state's maximum weekly unemployment benefit amount and an applicant's weekly unemployment benefit amount and maximum amount of unemployment benefits available is rounded down to the next lower whole dollar. The state's maximum weekly benefit amount, computed in accordance with section 268.035, subdivision 23, applies to a benefit account established effective on or after the last Sunday in October. Once established, an applicant's weekly unemployment benefit amount is not affected by the last Sunday in October change in the state's maximum weekly unemployment benefit amount.

(d) The maximum amount of unemployment benefits available on any benefit account is the lower of:

(1) 33-1/3 percent of the applicant's total wage credits; or

(2) 26 times the applicant's weekly unemployment benefit amount.

EFFECTIVE DATE. This section is effective for applications for unemployment benefits filed effective on or after August 2, 2009.

Sec. 7. Minnesota Statutes 2008, section 268.085, subdivision 15, is amended to read:

Subd. 15. **Available for suitable employment defined.** (a) "Available for suitable employment" means an applicant is ready and willing to accept suitable employment in the labor market area. The attachment to the work force must be genuine. An applicant may restrict availability to suitable employment, but there must be no other restrictions, either self-imposed or created by circumstances, temporary or permanent, that prevent accepting suitable employment.

(b) Unless the applicant is in reemployment assistance training, to be considered "available for suitable employment," a student who has regularly scheduled classes must be willing to ~~quit school~~ discontinue classes to accept suitable employment when:

(1) class attendance restricts the applicant from accepting suitable employment; and

(2) the applicant is unable to change the scheduled class or make other arrangements that excuse the applicant from attending class.

(c) An applicant who is absent from the labor market area for personal reasons, other than to search for work, is not "available for suitable employment."

(d) An applicant who has restrictions on the hours of the day or days of the week that the applicant can or will work, that are not normal for the applicant's usual occupation or other suitable employment, is not "available for suitable employment." An applicant must be available for daytime employment, if suitable employment is performed during the daytime, even though the applicant previously worked the night shift.

(e) An applicant must have transportation throughout the labor market area to be considered "available for suitable employment."

EFFECTIVE DATE. This section is effective for determinations and appeal decisions issued on or after the day following final enactment.

Sec. 8. Minnesota Statutes 2008, section 268.095, subdivision 1, is amended to read:

Subdivision 1. **Quit.** An applicant who quit employment is ineligible for all unemployment benefits according to subdivision 10 except when:

(1) the applicant quit the employment because of a good reason caused by the employer as defined in subdivision 3;

(2) the applicant quit the employment to accept other covered employment that provided substantially better terms and conditions of employment, but the applicant did not work long enough at the second employment to have sufficient subsequent earnings to satisfy the period of ineligibility that would otherwise be imposed under subdivision 10 for quitting the first employment;

(3) the applicant quit the employment within 30 calendar days of beginning the employment because the employment was unsuitable for the applicant;

(4) the employment was unsuitable for the applicant and the applicant quit to enter reemployment assistance training;

(5) the employment was part time and the applicant also had full-time employment in the base period, from which full-time employment the applicant separated because of reasons for which the applicant was held not to be ineligible, and the wage credits from the full-time employment are sufficient to meet the minimum requirements to establish a benefit account under section 268.07;

(6) the applicant quit because the employer notified the applicant that the applicant was going to be laid off because of lack of work within 30 calendar days. An applicant who quit employment within 30 calendar days of a notified date of layoff because of lack of work is ineligible for unemployment benefits through the end of the week that includes the scheduled date of layoff;

(7) the applicant quit the employment (i) because the applicant's serious illness or injury made it medically necessary that the applicant quit, ~~provided that~~; or (ii) in order to provide necessary care because of the illness, injury, or disability of an immediate family member of the applicant. This exception only applies if the applicant informs the employer of the serious illness or injury medical problem and request accommodation and no reasonable accommodation is made available.

If the applicant's serious illness is chemical dependency, this exception does not apply if the applicant was previously diagnosed as chemically dependent or had treatment for chemical dependency, and since that diagnosis or treatment has failed to make consistent efforts to control the chemical dependency.

This exception raises an issue of the applicant's ~~being able to work~~ available for suitable employment under section 268.085, subdivision 1, that the commissioner ~~shall~~ must determine;

(8) the applicant's loss of child care for the applicant's minor child caused the applicant to quit the employment, provided the applicant made reasonable effort to obtain other child care and requested time off or other accommodation from the employer and no reasonable accommodation is available.

This exception raises an issue of the applicant's ~~availability~~ being available for suitable employment under section 268.085, subdivision 1, that the commissioner ~~shall~~ must determine; ~~or~~

(9) domestic abuse of the applicant or an immediate family member of the applicant's minor child applicant, necessitated the applicant's quitting the employment. Domestic abuse must be shown by one or more of the following:

(i) a district court order for protection or other documentation of equitable relief issued by a court;

(ii) a police record documenting the domestic abuse;

(iii) documentation that the perpetrator of the domestic abuse has been convicted of the offense of domestic abuse;

(iv) medical documentation of domestic abuse; or

(v) written statement that the applicant or ~~the applicant's minor child~~ an immediate family member of the applicant is a victim of domestic abuse, provided by a social worker, member of the clergy, shelter worker, attorney at law, or other professional who has assisted the applicant in dealing with the domestic abuse.

Domestic abuse for purposes of this clause is defined under section 518B.01; ~~or~~

(10) the applicant quit in order to relocate to accompany a spouse whose job location changed making it impractical for the applicant to commute.

EFFECTIVE DATE. This section is effective for determinations issued on or after August 2, 2009.

Sec. 9. Minnesota Statutes 2008, section 268.095, subdivision 6, is amended to read:

Subd. 6. **Employment misconduct defined.** (a) Employment misconduct means any intentional, negligent, or indifferent conduct, on the job or off the job ~~(+)~~ that displays clearly;

(1) a serious violation of the standards of behavior the employer has the right to reasonably expect of the employee;; or

~~(2) that displays clearly~~ a substantial lack of concern for the employment.

(b) Notwithstanding paragraph (a), the following are not employment misconduct:

(1) conduct that was a consequence of the applicant's mental illness or impairment;

(2) inefficiency, or inadvertence;

(3) simple unsatisfactory conduct, ~~a single incident that does not have a significant adverse impact on the employer;~~

(4) conduct an average reasonable employee would have engaged in under the circumstances;

(5) poor performance because of inability or incapacity;

(6) good faith errors in judgment if judgment was required, ~~or;~~

(7) absence because of illness or injury of the applicant, with proper notice to the employer, ~~are not employment misconduct;~~

(8) absence, with proper notice to the employer, in order to provide necessary care because of the illness, injury, or disability of an immediate family member of the applicant;

~~(b) (9) conduct that was a direct result of the applicant's chemical dependency is not employment misconduct, unless the applicant was previously diagnosed chemically dependent or had treatment for chemical dependency, and since that diagnosis or treatment has failed to make consistent efforts to control the chemical dependency; or~~

~~(e) (10) conduct that was a result of the applicant, or the applicant's minor child an immediate family member of the applicant, being a victim of domestic abuse as defined under section 518B.01, is not employment misconduct. Domestic abuse must be shown as provided for in section 268.095, subdivision 1, clause (9).~~

~~(d) A driving offense (c) Notwithstanding paragraph (b), clause (9), conduct in violation of sections 169A.20, 169A.31, or 169A.50 to 169A.53 that interferes with or adversely affects the employment is employment misconduct.~~

(d) If the conduct for which the applicant was discharged involved only a single incident, that is an important fact which must be considered in deciding whether the conduct rises to the level of employment misconduct under paragraph (a).

(e) The definition of employment misconduct provided by this subdivision is exclusive and no other definition applies.

EFFECTIVE DATE. This section is effective for determinations issued on or after August 2, 2009.

Sec. 10. **FEDERAL FUNDS EXPENDITURE AUTHORIZED.**

\$9,290,259 of federal money allocated under the American Recovery and Reinvestment Act for the purpose of unemployment insurance administration is appropriated to the commissioner of employment and economic development to pay unemployment insurance administration costs.

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

Sec. 11. **FEDERAL CONFORMITY.**

Sections 1, 2, 4 to 6, and 8 to 10 are enacted in order to conform to the requirements of the American Recovery and Reinvestment Act, which provides Minnesota's unemployment insurance trust fund \$130,063,620 in incentive payments if certain changes are made to the Minnesota unemployment insurance law. These sections should be interpreted consistent with the requirements necessary to qualify for those incentive payments."

Delete the title and insert:

"A bill for an act relating to unemployment insurance; conforming Minnesota law to the requirements necessary to receive federal stimulus funds; appropriating money; amending Minnesota Statutes 2008, sections 268.035, subdivisions 4, as amended, 21a, 23a, by adding a subdivision; 268.07, subdivisions 1, 2; 268.085, subdivision 15; 268.095, subdivisions 1, 6."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1245, A bill for an act relating to public safety; amending provisions relating to domestic abuse; expanding definition of family or household member; providing for statewide application and expanded use of domestic abuse no contact orders; amending Minnesota Statutes 2008, section 518B.01, subdivisions 2, 20, 22.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1270, A bill for an act relating to corrections; requiring development of pilot project for short-term offender commitments; appropriating money.

Reported the same back with the following amendments:

Page 2, after line 3, insert:

"Sec. 2. **COUNTY-BASED REVOCATION CENTER PILOT PROJECT; REPORT.**

(a) Dodge, Fillmore, Olmsted, Tri-County, and Hennepin Community Corrections, Ramsey County, and any other county or community corrections department that wishes to participate may develop a proposal for a pilot project for a secure residential center and supervision of persons facing revocation of their supervised release or execution of a stayed prison sentence. The proposal must address the care, custody, and programming for offenders assigned to the facility as an intermediate sanction prior to revocation or execution of a stayed prison sentence.

(b) The counties must consider the following factors in developing the proposal:

(1) type and length of programming for offenders, including supervision, mental health and chemical dependency treatment options, and educational and employment readiness opportunities;

(2) medical care;

(3) the transport of offenders to and from any facility;

(4) detailed current and future costs and per diems associated with the facility;

(5) admission and release procedures of the proposed facility;

(6) intended outcomes of the pilot project; and

(7) other factors deemed appropriate for consideration by the counties.

(c) By December 1, 2009, the counties of Ramsey, Olmsted, and Hennepin shall report the pilot project proposal to the chairs and ranking minority members of the legislative committees having jurisdiction over public safety policy and finance."

Amend the title as follows:

Page 1, line 3, delete "appropriating money" and insert "authorizing county or community corrections departments to develop pilot-project for short-term offender commitments; providing for reports"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 1281, A bill for an act relating to higher education; requiring in-state tuition status for veterans; requiring the creation of course equivalency guides for military coursework; amending Minnesota Statutes 2008, sections 135A.04; 135A.08, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 135A.08, subdivision 1, is amended to read:

Subdivision 1. **Course equivalency.** The Board of Regents of the University of Minnesota and the Board of Trustees of the Minnesota State Colleges and Universities shall develop and maintain course equivalency guides for use between institutions that have a high frequency of transfer. The course equivalency guides must include information on the course equivalency and awarding of credit for learning acquired as a result of the successful completion of formal military courses and occupational training. Course equivalency guides ~~shall~~ are not be required for vocational technical programs that have not been divided into identifiable courses. The governing boards of private institutions that grant associate and baccalaureate degrees and that have a high frequency of transfer students are requested to participate in developing these guides."

Delete the title and insert:

"A bill for an act relating to higher education; requiring the creation of course equivalency guides for military coursework; amending Minnesota Statutes 2008, section 135A.08, subdivision 1."

With the recommendation that when so amended the bill pass and be re-referred to the Higher Education and Workforce Development Finance and Policy Division.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 1329, A bill for an act relating to human services; modifying personal care assistance services; amending Minnesota Statutes 2008, sections 144A.44, subdivision 2; 256B.0655, subdivisions 1b, 1g, 2, 3, 7; 626.556, subdivision 3c, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 1356, A bill for an act relating to transportation; public transit; allowing use of public transit free of charge for disabled veterans and current, uniformed members on active service; amending Minnesota Statutes 2008, sections 174.24, subdivision 1a, by adding a subdivision; 473.384, subdivision 5, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1392, A bill for an act relating to crimes; providing for an omnibus sexual conduct technical review bill; amending Minnesota Statutes 2008, sections 609.341, subdivision 11; 609.342, subdivision 1; 609.343, subdivision 1; 609.3455, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 609.341, subdivision 11, is amended to read:

Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to (o), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by a person in a position of authority, or by coercion, or by inducement if the complainant is under 13 years of age or mentally impaired, or

(iii) the touching by another of the complainant's intimate parts effected by coercion or by a person in a position of authority, or

(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts, or

(v) the intentional touching by the actor with seminal fluid or sperm of the complainant's body or the clothing covering the complainant's body.

(b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g) and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts;

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(iii) the touching by another of the complainant's intimate parts; ~~or~~

(iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts; or

(v) the intentional touching by the actor with seminal fluid or sperm of the complainant's body or the clothing covering the complainant's body.

(c) "Sexual contact with a person under 13" means the intentional touching of the complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2008, section 609.342, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another person, or in sexual contact with a person under 13 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(b) the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish sexual penetration; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2008, section 609.343, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish the sexual contact; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2008, section 609.3455, is amended by adding a subdivision to read:

Subd. 10. Presumptive executed sentence for repeat sex offenders. Except as provided in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the defendant to the commissioner of corrections for not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the execution of the sentence imposed under this subdivision only if it finds that a professional assessment indicates the offender is accepted by and can respond to treatment at a long-term inpatient program exclusively treating sex offenders and approved by the commissioner of corrections. If the court stays the execution of a sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse; and

(2) a requirement that the offender successfully complete the treatment program and aftercare as directed by the court.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to all crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2008, section 628.26, is amended to read:

628.26 LIMITATIONS.

(a) Indictments or complaints for any crime resulting in the death of the victim may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for a violation of section 609.25 may be found or made at any time after the commission of the offense.

(c) Indictments or complaints for violation of section 609.282 may be found or made at any time after the commission of the offense if the victim was under the age of 18 at the time of the offense.

(d) Indictments or complaints for violation of section 609.282 where the victim was 18 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(e) Indictments or complaints for violation of sections 609.342 to 609.345 if the victim was under the age of 18 years at the time the offense was committed, shall be found or made and filed in the proper court within the later of nine years after the commission of the offense or, ~~if the victim failed to report the offense within this limitation period, within~~ three years after the offense was reported to law enforcement authorities.

(f) Notwithstanding the limitations in paragraph (e), indictments or complaints for violation of sections 609.342 to 609.344 may be found or made and filed in the proper court at any time after commission of the offense, if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics. If this evidence is not collected and preserved and the victim was 18 years old or older at the time of the offense, the prosecution must be commenced within nine years after the commission of the offense.

(g) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, clause (3), item (iii), shall be found or made and filed in the proper court within six years after the commission of the offense.

(h) Indictments or complaints for violation of section 609.52, subdivision 2, clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(i) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(j) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

(k) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense.

(l) The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

(m) The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated under a written agreement in a pretrial diversion program relating to that offense.

(n) The limitations periods contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date, and to crimes committed before that date if the limitations period for the crime did not expire before August 1, 2009."

Delete the title and insert:

"A bill for an act relating to crimes; providing for an omnibus sexual conduct technical review bill; amending Minnesota Statutes 2008, sections 609.341, subdivision 11; 609.342, subdivision 1; 609.343, subdivision 1; 609.3455, by adding a subdivision; 628.26."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 1400, A bill for an act relating to veterans; declaring June 13, 2009, Welcome Home Vietnam Veterans Day.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **HONORING ALL VIETNAM ERA VETERANS DAY.**

June 13, 2009, is Honoring All Vietnam Era Veterans Day in Minnesota."

Delete the title and insert:

"A bill for an act relating to veterans; declaring June 13, 2009, Honoring All Vietnam Era Veterans Day."

With the recommendation that when so amended the bill pass.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1418, A bill for an act relating to occupations and professions; regulating the practice of plumbing; amending Minnesota Statutes 2008, section 326B.435, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1509, A bill for an act relating to public safety; expanding the challenge incarceration program; amending Minnesota Statutes 2008, sections 244.17; 244.172, subdivision 1.

Reported the same back with the following amendments:

Pages 1 to 2, delete sections 1 and 2

Page 2, delete lines 21 and 22

Page 2, after line 23, insert:

"Sec. 2. **CHALLENGE INCARCERATION PROGRAM CAPACITY; DEADLINE FOR OCCUPANCY.**

By, the commissioner of corrections must have 162 challenge incarceration beds occupied by male inmates and 48 challenge incarceration beds occupied by female inmates.

EFFECTIVE DATE. This section is effective July 1, 2009."

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1517, A bill for an act relating to public safety; authorizing local units of government to impose administrative fines for certain offenses; amending Minnesota Statutes 2008, sections 6.74; 169.022; 169.985; 169.99, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 471.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 6.74, is amended to read:

6.74 INFORMATION COLLECTED FROM LOCAL GOVERNMENTS.

The state auditor, or a designated agent, shall collect annually from all city, county, and other local units of government, information as to the assessment of property, collection of taxes, receipts from licenses and other sources including administrative fines assessed and collected pursuant to section 169.999, the expenditure of public funds for all purposes, borrowing, debts, principal and interest payments on debts, and such other information as may be needful. The data shall be supplied upon forms prescribed by the state auditor, and all public officials so called upon shall fill out properly and return promptly all forms so transmitted. The state auditor or assistants, may examine local records in order to complete or verify the information.

Sec. 2. Minnesota Statutes 2008, section 169.985, is amended to read:

169.985 TRAFFIC CITATION QUOTA PROHIBITED.

A law enforcement agency may not order, mandate, require, or suggest to a peace officer a quota for the issuance of traffic citations, including administrative citations authorized under section 169.999, on a daily, weekly, monthly, quarterly, or yearly basis.

Sec. 3. Minnesota Statutes 2008, section 169.99, subdivision 1, is amended to read:

Subdivision 1. **Form.** (a) Except as provided in subdivision 3, there shall be a uniform ticket issued throughout the state by the police and peace officers or by any other person for violations of this chapter and ordinances in conformity thereto. Such uniform traffic ticket shall be in the form and have the effect of a summons and complaint, except if the citation is issued for an administrative violation pursuant to section 169.999. Except as provided in paragraph (b) or if the ticket is for an administrative citation issued pursuant to section 169.999, the uniform ticket shall state that if the defendant fails to appear in court in response to the ticket, an arrest warrant may be issued. The uniform traffic ticket shall consist of ~~four~~ five parts, on paper sensitized so that copies may be made without the use of carbon paper, as follows:

(1) the complaint, with reverse side for officer's notes for testifying in court, driver's past record, and court's action, printed on white paper;

(2) the abstract of court record for the Department of Public Safety, which shall be a copy of the complaint with the certificate of conviction on the reverse side, printed on yellow paper;

(3) the police record, which shall be a copy of the complaint and of the reverse side of copy (1), printed on pink paper;

(4) the summons, with, on the reverse side, such information as the court may wish to give concerning the Traffic Violations Bureau, and a plea of guilty and waiver, printed on off-white tag stock; and

(5) a box for a peace officer to use to designate the citation as administrative pursuant to section 169.999 with accompanying space for local units of government to print specific instructions on how to pay and challenge administrative citations.

(b) If the offense is a petty misdemeanor, the uniform ticket must state that a failure to appear will be considered a plea of guilty and waiver of the right to trial, unless the failure to appear is due to circumstances beyond the person's control.

Sec. 4. **[169.999] ADMINISTRATIVE CITATIONS FOR CERTAIN TRAFFIC OFFENSES.**

Subdivision 1. **Authority.** (a) Except for peace officers employed by the state patrol, prior to a peace officer issuing an administrative citation under this section, the governing body for the local unit of government that employs the peace officer must pass a resolution that:

(1) authorizes issuance of administrative citations;

(2) obligates the local unit of government to provide a neutral third party to hear and rule on challenges to administrative citations; and

(3) bars peace officers from issuing administrative citations in violation of this section.

(b) A peace officer may issue an administrative citation to a vehicle operator who:

(1) violates section 169.14, and the violation consists of a speed under ten miles per hour in excess of the lawful speed limit;

(2) fails to obey a stop line in violation of section 169.30; or

(3) operates a vehicle that is in violation of sections 169.46 to 169.68 and 169.69 to 169.75.

(c) The authority to issue an administrative citation is exclusively limited to those offenses listed in this subdivision.

(d) A peace officer who issues an administrative citation for the infraction of speeding under ten miles per hour over the speed limit must use the actual speed a violator's vehicle was traveling at the time of the infraction and may not reduce the recorded speed for purposes of qualifying the offense for an administrative citation. An administrative citation issued for speeding must list the actual speed the vehicle was traveling at the time of the infraction.

Subd. 2. **Officer's authority.** The authority to issue an administrative penalty is reserved exclusively to licensed peace officers. An officer may not be required by ordinance or otherwise to issue a citation under this section instead of a criminal citation.

Subd. 3. **Right to contest citation.** (a) A peace officer who issues an administrative citation must inform the vehicle operator that the person has the right to contest the citation.

(b) Except as provided in paragraph (c), the local unit of government that employs the peace officer who issues an administrative citation must provide a civil process for a person to contest the administrative citation. The person must be allowed to challenge the citation before a neutral third party. A local unit of government may employ a person to hear and rule on challenges to administrative citations or contract with another local unit of government or a private entity to provide the service.

(c) The state patrol may contract with local units of government or private entities to collect administrative fines and to provide a neutral third party to hear and rule on challenges to administrative citations. An administrative citation issued by a state patrol trooper must clearly state how and where a violator can challenge the citation.

Subd. 4. **Fines; disbursement.** (a) A person who commits an administrative violation under subdivision 1 must pay a fine of \$60.

(b) Except as provided in paragraph (c), two-thirds of a fine collected under this section must be credited to the general revenue fund of the local unit of government that employs the peace officer who issued the citation, and one-third must be transferred to the commissioner of finance to be deposited in the state general fund. A local unit of government receiving fine proceeds under this section must use at least one-half of the funds for law enforcement purposes. The funds must be used to supplement but not supplant any existing law enforcement funding.

(c) For fines collected under this section from administrative citations issued by state patrol troopers, one-third shall be credited to the general fund of the local unit of government or entity that collects the fine and provides a hearing officer and two-thirds must be transferred to the commissioner of finance to be deposited in the state general fund.

Subd. 5. **Commercial driver's licenses; exception.** The holder of a commercial driver's license may not be issued an administrative citation under this section.

Subd. 6. **Driving records.** A violation under this subdivision may not be recorded by the Department of Public Safety on the violator's driving record and does not constitute grounds for revocation or suspension of the violator's driver's license.

Subd. 7. **Administrative penalty reporting.** A county, city, or town that employs peace officers who issue administrative citations and collects administrative fines under this section must include that information and the amount collected as separate categories in any financial report, summary, or audit.

Subd. 8. **Local preemption.** The authority to issue an administrative citation is exclusively limited to those offenses listed in subdivision 1. Notwithstanding any contrary charter provision or ordinance, no statutory or home rule charter city, county, or town may impose administrative penalties to enforce any other provision of this chapter.

Sec. 5. Minnesota Statutes 2008, section 357.021, subdivision 6, is amended to read:

Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this paragraph, the court shall impose and the court administrator shall collect a \$75 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a \$4 surcharge. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of finance.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the commissioner of finance.

(f) The surcharge does not apply to administrative citations issued pursuant to section 169.999.

Sec. 6. **COMMISSIONER OF PUBLIC SAFETY; REVISE UNIFORM CITATION.**

(a) For any uniform traffic citations printed after the effective date of Minnesota Statutes, section 169.999, the commissioner of public safety shall revise the uniform traffic citation to include the information required by Minnesota Statutes, section 169.99, subdivision 1, clause (5), regarding administrative citations. The commissioner shall consult with representatives from the Sheriff's Association of Minnesota, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association on how the uniform traffic citation shall incorporate administrative citations.

(b) Within 60 days of enactment, the commissioner of public safety must publish an addendum to the uniform traffic citation that peace officers can use to issue administrative citations prior to the commissioner issuing a uniform traffic citation that incorporates administrative citations."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring commissioner of public safety to revise the uniform traffic citation;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1521, A bill for an act relating to public safety; providing earned release dates for imprisoned offenders and requiring that offenders who qualify be placed on enhanced reentry supervised release; repealing the law requiring that short-term offenders be incarcerated in local correctional facilities; appropriating money; amending Minnesota Statutes 2008, sections 244.01, by adding subdivisions; 244.101, subdivisions 1, 2, 3; 609.105, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 244; repealing Minnesota Statutes 2008, section 609.105, subdivisions 1a, 1b.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Finance without further recommendation.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 1554, A bill for an act relating to health; modifying isolation and quarantine provisions and provisions for mass dispensing of medications; amending Minnesota Statutes 2008, sections 144.4195, subdivisions 1, 2, 5; 144.4197; 145A.06, subdivision 7; 151.37, subdivisions 2, 10; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Page 4, after line 5, insert:

"Sec. 3. Minnesota Statutes 2008, section 144.4195, subdivision 3, is amended to read:

Subd. 3. **Court hearing.** (a) A person isolated or quarantined under an order issued pursuant to subdivision 1 or a temporary hold under subdivision 2 or the person's representative may petition the court to contest the court order or temporary hold at any time prior to the expiration of the order or temporary hold. If a petition is filed, the court must hold a hearing within 72 hours from the date of the filing. A petition for a hearing does not stay the order of isolation or quarantine. At the hearing, the commissioner of health must show by clear and convincing evidence that the isolation or quarantine is warranted to protect the public health.

(b) If the commissioner of health wishes to extend the order for isolation or quarantine past the period of time stated in subdivision 1, paragraph ~~(d)~~ (e), the commissioner must ~~petition~~ request the court to do so. Notice of the hearing must be served upon the person or persons who are being isolated or quarantined at least three days before the hearing. If it is impracticable to provide individual notice to large groups who are isolated or quarantined, a copy of the notice may be posted in the same manner as described under subdivision 1, paragraph (c).

(c) The notice must contain the following information:

(1) the time, date, and place of the hearing;

(2) the grounds and underlying facts upon which continued isolation or quarantine is sought;

(3) the person's right to appear at the hearing; and

(4) the person's right to counsel, including the right, ~~if indigent,~~ to be represented by counsel designated by the court ~~or county of venue.~~

(d) The court may order the continued isolation or quarantine of the person or group of persons if it finds by clear and convincing evidence that the person or persons would pose an imminent health threat to others if isolation or quarantine was lifted. In no case may the isolation or quarantine continue longer than 30 days from the date of the court order issued under this subdivision unless the commissioner petitions the court for an extension. Any hearing to extend an order is governed by this subdivision."

Page 6, line 16, delete the first comma

Page 6, line 17, delete "following" and insert "and"

Page 7, line 22, delete "must not be" and insert "is not"

Page 9, line 22, delete "also"

Page 9, line 24, delete "has" and insert "may"

Page 9, line 25, delete "discretion to"

Renumber the sections in sequence and correct internal references

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 1565, A bill for an act relating to health; consolidating and relocating nursing facility beds to a new site in Goodhue County; amending Minnesota Statutes 2008, section 144A.071, subdivision 4c.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1619, A bill for an act relating to insurance; increasing funeral and burial expense benefits under the Minnesota No-Fault Automobile Insurance Act; amending Minnesota Statutes 2008, section 65B.44, subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 1639, A bill for an act relating to human services; modifying provisions relating to the Minnesota sex offender program; creating additional oversight to the Minnesota sex offender program; creating a client grievance process; allowing access to the statewide supervision system; making changes to the vocational work program; amending Minnesota Statutes 2008, sections 16C.10, subdivision 5; 168.012, subdivision 1; 246B.01, by adding subdivisions; 246B.02; 246B.03; 246B.05; 246B.06; 609.485, subdivisions 2, 4.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety Policy and Oversight.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 1648, A bill for an act relating to solid waste; amending reporting requirements for manufacturers and retailers of video display devices; limiting the amount of recycled electronics products that can be applied to future recycling obligations; amending Minnesota Statutes 2008, sections 115A.1314, subdivision 1; 115A.1316, subdivision 1; 115A.1318, subdivision 3.

Reported the same back with the following amendments:

Page 2, line 16, delete "15" and insert "25"

Page 4, line 2, delete "the day following final enactment" and insert "July 1, 2009"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Commerce and Labor.

The report was adopted.

Mariani from the Committee on K-12 Education Policy and Oversight to which was referred:

H. F. No. 1665, A bill for an act relating to education; creating a best practices center for shared services; amending Minnesota Statutes 2008, section 6.78.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 1675, A bill for an act relating to environment; directing Pollution Control Agency to adopt rules to limit emissions of high global warming potential gases; amending Minnesota Statutes 2008, section 216H.10, subdivisions 1, 7; proposing coding for new law in Minnesota Statutes, chapter 216H.

Reported the same back with the following amendments:

Page 2, delete subdivision 3

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 1750, A bill for an act relating to human services; making changes to licensing provisions, including data practices, disqualifications, and background study requirements; amending Minnesota Statutes 2008, sections 13.46, subdivisions 3, 4; 245A.03, subdivision 2; 245A.04, subdivisions 5, 7; 245A.041, by adding a subdivision; 245A.05; 245A.07, subdivisions 1, 3; 245A.1435; 245A.16, subdivision 1; 245A.50, subdivision 5; 245C.03, subdivision 1; 245C.15, subdivisions 1, 2, 3, 4; 245C.22, subdivision 7; 245C.24, subdivisions 2, 3; 245C.25; 245C.27, subdivision 1; 256.045, subdivisions 3, 3b; 626.556, subdivisions 2, 10e, 10f; 626.557, subdivisions 9c, 12b; 626.5572, subdivision 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

DATA PRACTICES

Section 1. Minnesota Statutes 2008, section 13.46, subdivision 3, is amended to read:

Subd. 3. **Investigative data.** (a) Data on persons, including data on vendors of services ~~and data on~~ licensees, and applicants, that is collected, maintained, used, or disseminated by the welfare system in an investigation, authorized by statute and relating to the enforcement of rules or law, is confidential data on individuals pursuant to section 13.02, subdivision 3, or protected nonpublic data not on individuals pursuant to section 13.02, subdivision 13, and shall not be disclosed except:

- (1) pursuant to section 13.05;
- (2) pursuant to statute or valid court order;
- (3) to a party named in a civil or criminal proceeding, administrative or judicial, for preparation of defense; or
- (4) to provide notices required or permitted by statute.

The data referred to in this subdivision shall be classified as public data upon its submission to an administrative law judge or court in an administrative or judicial proceeding. Inactive welfare investigative data shall be treated as provided in section 13.39, subdivision 3.

(b) Notwithstanding any other provision in law, the commissioner of human services shall provide all active and inactive investigative data, including the name of the reporter of alleged maltreatment under section 626.556 or 626.557, to the ombudsman for mental health and developmental disabilities upon the request of the ombudsman.

Sec. 2. Minnesota Statutes 2008, section 13.46, subdivision 4, is amended to read:

Subd. 4. **Licensing data.** (a) As used in this subdivision:

(1) "licensing data" means all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" means Social Security numbers, identity of and letters of reference, insurance information, reports from the Bureau of Criminal Apprehension, health examination reports, and social/home studies.

(b)(1) Except as provided in paragraph (c), the following data on applicants, license holders, and former licensees are public: name, address, telephone number of licensees, date of receipt of a completed application, dates of licensure, licensed capacity, type of client preferred, variances granted, record of training and education in child care and child development, type of dwelling, name and relationship of other family members, previous license history, class of license, the existence and status of complaints, and the number of serious injuries to or deaths of individuals in the licensed program as reported to the commissioner of human services, the local social services agency, or any other county welfare agency. For purposes of this clause, a serious injury is one that is treated by a physician. When a correction order ~~or, an order to forfeit a fine, an order of license suspension, an order of temporary immediate suspension, an order of license revocation, an order of license denial, or an order of conditional license~~ has been issued, ~~a license is suspended, immediately suspended, revoked, denied, or made conditional,~~ or a complaint is resolved, the following data on current and former licensees and applicants are public: the substance and investigative findings of the licensing or maltreatment complaint, licensing violation, or substantiated maltreatment; the record of informal resolution of a licensing violation; orders of hearing; findings of fact; conclusions of law; specifications of the final correction order, fine, suspension, temporary immediate suspension, revocation, denial, or conditional license contained in the record of licensing action; whether a fine has been paid; and the status of any appeal of these actions. If a licensing sanction under section 245A.07, or a license denial under section 245A.05, is based on a determination that the license holder or applicant is responsible for maltreatment or is disqualified under chapter 245C, the identity of the license holder or applicant as the individual responsible for maltreatment or as the disqualified individual is public data at the time of the issuance of the licensing sanction or denial.

(2) Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b, when any person subject to disqualification under section 245C.14 in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home is a substantiated perpetrator of maltreatment, and the substantiated maltreatment is a reason for a licensing action, the identity of the substantiated perpetrator of maltreatment is public data. For purposes of this clause, a person is a substantiated perpetrator if the maltreatment determination has been upheld under section 256.045; 626.556, subdivision 10i; 626.557, subdivision 9d; or chapter 14, or if an individual or facility has not timely exercised appeal rights under these sections, except as provided under clause (1).

(3) For applicants who withdraw their application prior to licensure or denial of a license, the following data are public: the name of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, and the date of withdrawal of the application.

(4) For applicants who are denied a license, the following data are public: the name and address of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, the date of denial of the application, the nature of the basis for the denial, the record of informal resolution of a denial, orders of hearings, findings of fact, conclusions of law, specifications of the final order of denial, and the status of any appeal of the denial.

(5) The following data on persons subject to disqualification under section 245C.14 in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home, are public: the nature of any disqualification set aside under section 245C.22, subdivisions 2 and 4, and the reasons for setting aside the disqualification; the nature of any disqualification for which a variance was granted under sections 245A.04, subdivision 9; and 245C.30, and the reasons for granting any variance under section 245A.04, subdivision 9; and, if applicable, the disclosure that any person subject to a background study under section 245C.03, subdivision 1, has successfully passed a background study. If a licensing sanction under section 245A.07, or a license denial under section 245A.05, is based on a determination that an individual subject to disqualification under chapter 245C is disqualified, the disqualification as a basis for the licensing sanction or denial is public data. As specified in clause (1), if the disqualified individual is the license holder or applicant, the identity of the license holder or applicant is public data. If the disqualified individual is an individual other than the license holder or applicant, the identity of the disqualified individual shall remain private data unless otherwise specified under sections 245C.22, subdivision 7, and 245C.301.

(6) When maltreatment is substantiated under section 626.556 or 626.557 and the victim and the substantiated perpetrator are affiliated with a program licensed under chapter 245A, the commissioner of human services, local social services agency, or county welfare agency may inform the license holder where the maltreatment occurred of the identity of the substantiated perpetrator and the victim.

(7) Notwithstanding clause (1), for child foster care, only the name of the license holder and the status of the license are public if the county attorney has requested that data otherwise classified as public data under clause (1) be considered private data based on the best interests of a child in placement in a licensed program.

(c) The following are private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license.

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters of complaints or alleged violations of licensing standards under chapters 245A, 245B, 245C, and applicable rules and alleged maltreatment under sections 626.556 and 626.557, are confidential data and may be disclosed only as provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

(e) Data classified as private, confidential, nonpublic, or protected nonpublic under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning a license which has been suspended, immediately suspended, revoked, or denied.

(f) Data generated in the course of licensing investigations that relate to an alleged violation of ~~law~~ chapters 245A, 245B, 245C, and applicable rules, and sections 626.556 and 626.557, are investigative data under subdivision 3.

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626.556, subdivision 2, or 626.5572, subdivision 18, are subject to the destruction provisions of sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

(h) Upon request, not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report of substantiated maltreatment as defined in section 626.556 or 626.557 may be exchanged with the Department of Health for purposes of completing background studies pursuant to section 144.057 and with the Department of Corrections for purposes of completing background studies pursuant to section 241.021.

(i) Data on individuals collected according to licensing activities under chapters 245A and 245C, and data on individuals collected by the commissioner of human services according to maltreatment investigations under sections 626.556 and 626.557, may be shared with the Department of Human Rights, the Department of Health, the Department of Corrections, the ombudsman for mental health and developmental disabilities, and the individual's professional regulatory board when there is reason to believe that laws or standards under the jurisdiction of those agencies may have been violated. Unless otherwise specified in this chapter, the identity of a reporter of alleged maltreatment or licensing violations may not be disclosed.

(j) In addition to the notice of determinations required under section 626.556, subdivision 10f, if the commissioner or the local social services agency has determined that an individual is a substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social services agency knows that the individual is a person responsible for a child's care in another facility, the commissioner or local social services agency shall notify the head of that facility of this determination. The notification must include an explanation of the individual's available appeal rights and the status of any appeal. If a notice is given under this paragraph, the government entity making the notification shall provide a copy of the notice to the individual who is the subject of the notice.

(k) All not public data collected, maintained, used, or disseminated under this subdivision and subdivision 3 may be exchanged between the Department of Human Services, Licensing Division, and the Department of Corrections for purposes of regulating services for which the Department of Human Services and the Department of Corrections have regulatory authority.

ARTICLE 2

LICENSING

Section 1. Minnesota Statutes 2008, section 157.16, is amended by adding a subdivision to read:

Subd. 5. **Exemption for certain establishments.** This section does not apply to group residential facilities of ten or fewer beds licensed by the commissioner of human services under Minnesota Rules, chapter 2960, provided the facility employs or contracts with a certified food manager under Minnesota Rules, part 4626.2015.

Sec. 2. Minnesota Statutes 2008, section 245.4871, subdivision 10, is amended to read:

Subd. 10. **Day treatment services.** "Day treatment," "day treatment services," or "day treatment program" means a structured program of treatment and care provided to a child in:

(1) an outpatient hospital accredited by the Joint Commission on Accreditation of Health Organizations and licensed under sections 144.50 to 144.55;

(2) a community mental health center under section 245.62;

(3) an entity that is under contract with the county board to operate a program that meets the requirements of section 245.4884, subdivision 2, and Minnesota Rules, parts 9505.0170 to 9505.0475; or

(4) an entity that operates a program that meets the requirements of section 245.4884, subdivision 2, and Minnesota Rules, parts 9505.0170 to 9505.0475, that is under contract with an entity that is under contract with a county board.

Day treatment consists of group psychotherapy and other intensive therapeutic services that are provided for a minimum ~~three-hour~~ two-hour time block by a multidisciplinary staff under the clinical supervision of a mental health professional. Day treatment may include education and consultation provided to families and other individuals as an extension of the treatment process. The services are aimed at stabilizing the child's mental health status, and developing and improving the child's daily independent living and socialization skills. Day treatment services are distinguished from day care by their structured therapeutic program of psychotherapy services. Day treatment services are not a part of inpatient hospital or residential treatment services. ~~Day treatment services for a child are an integrated set of education, therapy, and family interventions.~~

A day treatment service must be available to a child ~~at least five days~~ up to 15 hours a week throughout the year and must be coordinated with, integrated with, or part of an education program offered by the child's school.

Sec. 3. Minnesota Statutes 2008, section 245A.03, subdivision 2, is amended to read:

Subd. 2. **Exclusion from licensure.** (a) This chapter does not apply to:

(1) residential or nonresidential programs that are provided to a person by an individual who is related unless the residential program is a child foster care placement made by a local social services agency or a licensed child-placing agency, except as provided in subdivision 2a;

(2) nonresidential programs that are provided by an unrelated individual to persons from a single related family;

(3) residential or nonresidential programs that are provided to adults who do not abuse chemicals or who do not have a chemical dependency, a mental illness, a developmental disability, a functional impairment, or a physical disability;

(4) sheltered workshops or work activity programs that are certified by the commissioner of economic security;

(5) programs operated by a public school for children 33 months or older;

(6) nonresidential programs primarily for children that provide care or supervision for periods of less than three hours a day while the child's parent or legal guardian is in the same building as the nonresidential program or present within another building that is directly contiguous to the building in which the nonresidential program is located;

(7) nursing homes or hospitals licensed by the commissioner of health except as specified under section 245A.02;

(8) board and lodge facilities licensed by the commissioner of health that provide services for five or more persons whose primary diagnosis is mental illness that do not provide intensive residential treatment;

(9) homes providing programs for persons placed by a county or a licensed agency for legal adoption, unless the adoption is not completed within two years;

(10) programs licensed by the commissioner of corrections;

(11) recreation programs for children or adults that are operated or approved by a park and recreation board whose primary purpose is to provide social and recreational activities;

(12) programs operated by a school as defined in section 120A.22, subdivision 4, whose primary purpose is to provide child care to school-age children;

(13) Head Start nonresidential programs which operate for less than 45 days in each calendar year;

(14) noncertified boarding care homes unless they provide services for five or more persons whose primary diagnosis is mental illness or a developmental disability;

(15) programs for children such as scouting, boys clubs, girls clubs, and sports and art programs, and nonresidential programs for children provided for a cumulative total of less than 30 days in any 12-month period;

(16) residential programs for persons with mental illness, that are located in hospitals;

(17) the religious instruction of school-age children; Sabbath or Sunday schools; or the congregate care of children by a church, congregation, or religious society during the period used by the church, congregation, or religious society for its regular worship;

(18) camps licensed by the commissioner of health under Minnesota Rules, chapter 4630;

(19) mental health outpatient services for adults with mental illness or children with emotional disturbance;

(20) residential programs serving school-age children whose sole purpose is cultural or educational exchange, until the commissioner adopts appropriate rules;

(21) unrelated individuals who provide out-of-home respite care services to persons with developmental disabilities from a single related family for no more than 90 days in a 12-month period and the respite care services are for the temporary relief of the person's family or legal representative;

(22) respite care services provided as a home and community-based service to a person with a developmental disability, in the person's primary residence;

(23) community support services programs as defined in section 245.462, subdivision 6, and family community support services as defined in section 245.4871, subdivision 17;

(24) the placement of a child by a birth parent or legal guardian in a preadoptive home for purposes of adoption as authorized by section 259.47;

(25) settings registered under chapter 144D which provide home care services licensed by the commissioner of health to fewer than seven adults; ~~or~~

(26) chemical dependency or substance abuse treatment activities of licensed professionals in private practice as defined in Minnesota Rules, part 9530.6405, subpart 15, when the treatment activities are not paid for by the consolidated chemical dependency treatment fund; or

(27) consumer-directed community support service funded under the Medicaid waiver for persons with developmental disabilities when the individual who provided the service is:

(i) the same individual who is the direct payee of these specific waiver funds or paid by a fiscal agent, fiscal intermediary, or employer of record; and

(ii) not otherwise under the control of a residential or nonresidential program that is required to be licensed under this chapter when providing the service.

(b) For purposes of paragraph (a), clause (6), a building is directly contiguous to a building in which a nonresidential program is located if it shares a common wall with the building in which the nonresidential program is located or is attached to that building by skyway, tunnel, atrium, or common roof.

(c) Nothing in this chapter shall be construed to require licensure for any services provided and funded according to an approved federal waiver plan where licensure is specifically identified as not being a condition for the services and funding.

Sec. 4. Minnesota Statutes 2008, section 245A.04, subdivision 5, is amended to read:

Subd. 5. **Commissioner's right of access.** When the commissioner is exercising the powers conferred by this chapter and ~~section sections~~ 245.69, 626.556, and 626.557, the commissioner must be given access to the physical plant and grounds where the program is provided, documents and records, including records maintained in electronic format, persons served by the program, and staff whenever the program is in operation and the information is relevant to inspections or investigations conducted by the commissioner. The commissioner must be given access without prior notice and as often as the commissioner considers necessary if the commissioner is conducting an investigation of allegations of maltreatment or other violation of applicable laws or rules. In conducting inspections, the commissioner may request and shall receive assistance from other state, county, and municipal governmental agencies and departments. The applicant or license holder shall allow the commissioner to photocopy, photograph, and make audio and video tape recordings during the inspection of the program at the commissioner's expense. The commissioner shall obtain a court order or the consent of the subject of the records or the parents or legal guardian of the subject before photocopying hospital medical records.

Persons served by the program have the right to refuse to consent to be interviewed, photographed, or audio or videotaped. Failure or refusal of an applicant or license holder to fully comply with this subdivision is reasonable cause for the commissioner to deny the application or immediately suspend or revoke the license.

Sec. 5. Minnesota Statutes 2008, section 245A.04, subdivision 7, is amended to read:

Subd. 7. **Grant of license; license extension.** (a) If the commissioner determines that the program complies with all applicable rules and laws, the commissioner shall issue a license. At minimum, the license shall state:

(1) the name of the license holder;

(2) the address of the program;

(3) the effective date and expiration date of the license;

(4) the type of license;

(5) the maximum number and ages of persons that may receive services from the program; and

(6) any special conditions of licensure.

(b) The commissioner may issue an initial license for a period not to exceed two years if:

(1) the commissioner is unable to conduct the evaluation or observation required by subdivision 4, paragraph (a), clauses (3) and (4), because the program is not yet operational;

(2) certain records and documents are not available because persons are not yet receiving services from the program; and

(3) the applicant complies with applicable laws and rules in all other respects.

(c) A decision by the commissioner to issue a license does not guarantee that any person or persons will be placed or cared for in the licensed program. A license shall not be transferable to another individual, corporation, partnership, voluntary association, other organization, or controlling individual or to another location.

(d) A license holder must notify the commissioner and obtain the commissioner's approval before making any changes that would alter the license information listed under paragraph (a).

(e) The commissioner shall not issue or reissue a license if the applicant, license holder, or controlling individual has:

(1) been disqualified and the disqualification was not set aside and no variance has been granted;

(2) has been denied a license within the past two years; ~~or~~

(3) had a license revoked within the past five years; or

(4) has an outstanding debt related to a license fee, licensing fine, or settlement agreement for which payment is delinquent.

When a license is revoked under clause (1) or (3), the license holder and controlling individual may not hold any license under chapter 245A or 245B for five years following the revocation, and other licenses held by the applicant, license holder, or controlling individual shall also be revoked.

(f) The commissioner shall not issue a license if an individual living in the household where the licensed services will be provided as specified under section 245C.03, subdivision 1, has been disqualified and the disqualification has not been set aside and no variance has been granted.

(g) For purposes of reimbursement for meals only, under the Child and Adult Care Food Program, Code of Federal Regulations, title 7, subtitle B, chapter II, subchapter A, part 226, relocation within the same county by a licensed family day care provider, shall be considered an extension of the license for a period of no more than 30 calendar days or until the new license is issued, whichever occurs first, provided the county agency has determined the family day care provider meets licensure requirements at the new location.

(h) Unless otherwise specified by statute, all licenses expire at 12:01 a.m. on the day after the expiration date stated on the license. A license holder must apply for and be granted a new license to operate the program or the program must not be operated after the expiration date.

Sec. 6. Minnesota Statutes 2008, section 245A.05, is amended to read:

245A.05 DENIAL OF APPLICATION.

(a) The commissioner may deny a license if an applicant or controlling individual: (1) fails to comply with applicable laws or rules; or (2) knowingly withholds relevant information from or gives false or misleading information to the commissioner in connection with an application for a license or during an investigation; (3) has a disqualification which has not been set aside under section 245C.22 and no variance has been granted; or (4) has an individual required to have a background study under section 245C.03, subdivision 1, paragraph (a), clause (2) or (6), that has a disqualification which has not been set aside under section 245C.22 and no variance has been granted.

(b) An applicant whose application has been denied by the commissioner must be given notice of the denial. Notice must be given by certified mail or personal service. The notice must state the reasons the application was denied and must inform the applicant of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The applicant may appeal the denial by notifying the commissioner in writing by certified mail or personal service ~~within 20 calendar days after receiving notice that the application was denied. If mailed, the appeal must be postmarked and sent to the commissioner within 20 calendar days after the applicant received the notice of denial.~~ If an appeal request is made by personal service, it must be received by the commissioner within 20 calendar days after the applicant received the notice of denial. Section 245A.08 applies to hearings held to appeal the commissioner's denial of an application.

Sec. 7. Minnesota Statutes 2008, section 245A.07, subdivision 1, is amended to read:

Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional under section 245A.06, the commissioner may ~~propose to~~ suspend or revoke the license, impose a fine, or secure an injunction against the continuing operation of the program of a license holder who does not comply with applicable law or rule. When applying sanctions authorized under this section, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons served by the program.

(b) If a license holder appeals the suspension or revocation of a license and the license holder continues to operate the program pending a final order on the appeal, and the license expires during this time period, the commissioner shall issue the license holder a temporary provisional license. The temporary provisional license is effective on the date issued and expires on the date that a final order is issued. Unless otherwise specified by the commissioner, variances in effect on the date of the license sanction under appeal continue under the temporary provisional license. If a license holder fails to comply with applicable law or rule while operating under a temporary provisional license, the commissioner may impose sanctions under this section and section 245A.06, and may terminate any prior variance. If the license holder prevails on the appeal and the effective period of the previous license has expired, a new license shall be issued to the license holder upon payment of any fee required under section 245A.10. The effective date of the new license shall be retroactive to the date the license would have shown had no sanction been initiated. The expiration date shall be the expiration date of that license had no license sanction been initiated.

(c) If a license holder is under investigation and the license is due to expire before completion of the investigation, the program shall be issued a new license upon completion of the reapplication requirements. Upon completion of the investigation, a licensing sanction may be imposed against the new license under this section, section 245A.06, or 245A.08.

(d) Failure to reapply or closure of a license by the license holder prior to the completion of any investigation shall not preclude the commissioner from issuing a licensing sanction under this section, section 245A.06, or 245A.08 at the conclusion of the investigation.

Sec. 8. Minnesota Statutes 2008, section 245A.07, subdivision 3, is amended to read:

Subd. 3. **License suspension, revocation, or fine.** (a) The commissioner may suspend or revoke a license, or impose a fine if a license holder fails to comply fully with applicable laws or rules, if a license holder, a controlling individual, or an individual living in the household where the licensed services are provided or is otherwise subject to a background study has a disqualification which has not been set aside under section 245C.22, or if a license holder knowingly withholds relevant information from or gives false or misleading information to the commissioner in connection with an application for a license, in connection with the background study status of an individual, during an investigation, or regarding compliance with applicable laws or rules. A license holder who has had a license suspended, revoked, or has been ordered to pay a fine must be given notice of the action by certified mail or personal service. If mailed, the notice must be mailed to the address shown on the application or the last known address of the license holder. The notice must state the reasons the license was suspended, revoked, or a fine was ordered.

(b) If the license was suspended or revoked, the notice must inform the license holder of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The license holder may appeal an order suspending or revoking a license. The appeal of an order suspending or revoking a license must be made in writing by certified mail or personal service. If mailed, the appeal must be postmarked and sent to the commissioner within ten calendar days after the license holder receives notice that the license has been suspended or revoked. If a request is made by personal service, it must be received by the commissioner within ten calendar days after the license holder received the order. Except as provided in subdivision 2a, paragraph (c), if a license holder submits a timely appeal of an order suspending or revoking a license ~~shall stay the suspension or revocation~~, the license holder may continue to operate until the commissioner issues a final order on the suspension or revocation.

(c)(1) If the license holder was ordered to pay a fine, the notice must inform the license holder of the responsibility for payment of fines and the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The appeal of an order to pay a fine must be made in writing by certified mail or personal service. If mailed, the appeal must be postmarked and sent to the commissioner within ten calendar days after the license holder receives notice that the fine has been ordered. If a request is made by personal service, it must be received by the commissioner within ten calendar days after the license holder received the order.

(2) The license holder shall pay the fines assessed on or before the payment date specified. If the license holder fails to fully comply with the order, the commissioner may issue a second fine or suspend the license until the license holder complies. If the license holder receives state funds, the state, county, or municipal agencies or departments responsible for administering the funds shall withhold payments and recover any payments made while the license is suspended for failure to pay a fine. A timely appeal shall stay payment of the fine until the commissioner issues a final order.

(3) A license holder shall promptly notify the commissioner of human services, in writing, when a violation specified in the order to forfeit a fine is corrected. If upon reinspection the commissioner determines that a violation has not been corrected as indicated by the order to forfeit a fine, the commissioner may issue a second fine. The commissioner shall notify the license holder by certified mail or personal service that a second fine has been assessed. The license holder may appeal the second fine as provided under this subdivision.

(4) Fines shall be assessed as follows: the license holder shall forfeit \$1,000 for each determination of maltreatment of a child under section 626.556 or the maltreatment of a vulnerable adult under section 626.557 for which the license holder is determined responsible for the maltreatment under section 626.556, subdivision 10e, paragraph (i), or 626.557, subdivision 9c, paragraph (c); the license holder shall forfeit \$200 for each occurrence of a violation of law or rule governing matters of health, safety, or supervision, including but not limited to the provision of adequate staff-to-child or adult ratios, and failure to ~~submit a~~ comply with background study requirements under chapter 245C; and the license holder shall forfeit \$100 for each occurrence of a violation of law

or rule other than those subject to a \$1,000 or \$200 fine above. For purposes of this section, "occurrence" means each violation identified in the commissioner's fine order. Fines assessed against a license holder that holds a license to provide the residential-based habilitation services, as defined under section 245B.02, subdivision 20, and a license to provide foster care, may be assessed against both licenses for the same occurrence, but the combined amount of the fines shall not exceed the amount specified in this clause for that occurrence.

(5) When a fine has been assessed, the license holder may not avoid payment by closing, selling, or otherwise transferring the licensed program to a third party. In such an event, the license holder will be personally liable for payment. In the case of a corporation, each controlling individual is personally and jointly liable for payment.

Sec. 9. Minnesota Statutes 2008, section 245A.11, is amended by adding a subdivision to read:

Subd. 8. **Alternate overnight supervision; adult foster care license.** (a) The commissioner may grant an applicant or license holder an adult foster care license for a residence that does not have a caregiver in residence during normal sleeping hours as required under Minnesota Rules, part 9555.5105, subpart 37, item B, but uses monitoring technology to alert the license holder when an incident occurs that may jeopardize the health, safety, or rights of a foster care recipient. The applicant or license holder must comply with all other requirements under Minnesota Rules, parts 9555.5105 to 9555.6265, and the requirements under this subdivision. The license printed by the commissioner must state in bold and large font:

(1) that staff are not present on site overnight; and

(2) the telephone number of the county's common entry point for making reports of suspected maltreatment of vulnerable adults under section 626.557, subdivision 9.

(b) Before a license is issued by the commissioner, and for the duration of the license, the applicant or license holder must establish, maintain, and document the implementation of written policies and procedures addressing the requirements in paragraphs (c) to (f).

(c) The applicant or license holder must have policies and procedures that:

(1) establish characteristics of target populations that must be admitted into the home, and characteristics of populations that must not be accepted into the home;

(2) explain the discharge process when a foster care recipient requires overnight supervision or other services that cannot be provided by the license holder due to the limited hours of on-site staff;

(3) describe the types of events to which the program must respond with a physical presence when those events occur in the home during time when staff are not on site, and how the license holder's response plan meets the requirements in paragraph (d), clause (1) or (2);

(4) establish a process for documenting a review of the implementation and effectiveness of the response protocol for the response required under paragraph (d), clause (1) or (2). The documentation must include:

(i) a description of the triggering incident;

(ii) the date and time of the triggering incident;

(iii) the time of the response or responses under paragraph (d), clause (1) or (2);

(iv) whether the response met the resident's needs;

(v) whether the existing policies and response protocols were followed; and

(vi) whether the existing policies and protocols are adequate or need modification.

When no physical presence response is completed for a three-month period, the license holder's written policies and procedures must require a physical presence response drill be conducted for which the effectiveness of the response protocol under paragraph (d), clause (1) or (2), must be reviewed and documented as required under this clause; and

(5) establish that emergency and nonemergency phone numbers are posted in a prominent location in a common area of the home where they can be easily observed by a person responding to an incident who is not otherwise affiliated with the home.

(d) The license holder must document and include in the license application which method under clause (1) or (2) is in place for responding to situations that present a serious risk to the health, safety, or rights of people receiving foster care services in the home:

(1) no more than ten minutes must pass before the license holder or the license holder's staff person must be physically present on site to respond to the situation; or

(2) more than ten minutes must pass before the license holder or the license holder's staff person is present on site to respond to the situation, and all of the following conditions are met:

(i) each foster care recipient's individualized plan of care, individual service plan under section 256B.092, subdivision 1b, if required, or individual resident placement agreement under Minnesota Rules, part 9555.5105, subpart 19, if required, identifies the maximum response time, greater than ten minutes, for a caretaker to be on site for that foster care recipient;

(ii) the license holder has a written description of the interactive technological applications that will assist a remote caretaker in communicating with and assessing the needs related to care, health, and life safety of the foster care recipients;

(iii) the license holder documents how the remote care attendants are qualified and capable of meeting the needs of the foster care recipients and assessing foster care recipients' needs under item (ii) during the absence of the license holder or license holder's staff person on site;

(iv) the license holder maintains written procedures to dispatch emergency response personnel to the site in the event of an observed emergency.

(e) All placement agreements, individual service agreements, and plans applicable to the foster care recipient must clearly state that the adult foster care license category is a program without the presence of a caregiver in the residence during normal sleeping hours; the protocols in place for responding to situations that present a serious risk to health, safety, or rights of foster care recipients under paragraph (d), clause (1) or (2); and a signed informed consent from each foster care recipient or the person's legal representative documenting the person's or legal representative's agreement with placement in the program. If electronic monitoring technology is used in the home, the informed consent form must also explain the following:

(1) how any electronic monitoring is incorporated into the alternative supervision system;

(2) the backup system for any electronic monitoring in times of electrical outages or other equipment malfunctions;

(3) how staff are trained on the use of the technology;

(4) the event types and staff response times established under paragraph (d);

(5) how the license holder protects the foster care recipient's privacy related to electronic monitoring and related to any electronically recorded data generated by the monitoring system. The consent form must explain where and how the electronically recorded data is stored, with whom it will be shared, and how long it is retained; and

(6) the risks and benefits of the alternative overnight supervision system.

The written explanations under clauses (1) to (6) may be accomplished through cross-references to other policies and procedures as long as they are explained to the person giving consent, and the person giving consent is offered a copy.

(f) The license holder's lead county contract under section 256.0112 must clearly specify that this foster care service does not have on-site overnight human supervision present.

Sec. 10. Minnesota Statutes 2008, section 245A.1435, is amended to read:

245A.1435 REDUCTION OF RISK OF SUDDEN INFANT DEATH SYNDROME IN LICENSED PROGRAMS.

(a) When a license holder is placing an infant to sleep, the license holder must place the infant on the infant's back, unless the license holder has documentation from the infant's parent directing an alternative sleeping position for the infant, ~~and~~. The parent directive must be on a form approved by the commissioner and must include a statement that the parent or legal guardian has read the information provided by the Minnesota Sudden Infant Death Center, related to the risk of SIDS and the importance of placing an infant or child on the back to sleep to reduce the risk of SIDS.

(b) The license holder must place the infant in a crib ~~with~~ directly on a firm mattress with a fitted crib sheet that fits tightly on the mattress and overlaps the mattress so it cannot be dislodged by pulling on the corner of the sheet. The license holder must not place pillows, quilts, comforters, sheepskin, pillow-like stuffed toys, or other soft products in the crib with the infant. The requirements of this section apply to license holders serving infants up to and including 12 months of age. Licensed child care providers must meet the crib requirements under section 245A.146.

Sec. 11. Minnesota Statutes 2008, section 245A.144, is amended to read:

245A.144 SUDDEN INFANT DEATH AND SHAKEN BABY SYNDROME FOR CHILD FOSTER CARE PROVIDERS.

(a) Licensed child foster care providers that care for infants or children through five years of age must document that before staff persons and caregivers assist in the care of infants or children through five years of age, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden infant death syndrome and shaken baby syndrome for infants and young children. This section does not apply to emergency relative foster care under section 245A.035. The training on reducing the risk of sudden infant death syndrome and shaken baby syndrome may be provided as:

(1) orientation training to child foster care providers, who care for infants or children through five years of age, under Minnesota Rules, part 2960.3070, subpart 1; or

(2) in-service training to child foster care providers, who care for infants or children through five years of age, under Minnesota Rules, part 2960.3070, subpart 2.

(b) Training required under this section must be at least one hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden infant death syndrome and shaken baby syndrome, means of reducing the risk of sudden infant death syndrome and shaken baby syndrome, and license holder communication with parents regarding reducing the risk of sudden infant death syndrome and shaken baby syndrome.

(c) Training for child foster care providers must be approved by the county licensing agency and fulfills, in part, training required under Minnesota Rules, part 2960.3070.

Sec. 12. Minnesota Statutes 2008, section 245A.1444, is amended to read:

245A.1444 TRAINING ON RISK OF SUDDEN INFANT DEATH SYNDROME AND SHAKEN BABY SYNDROME BY OTHER PROGRAMS.

A licensed chemical dependency treatment program that serves clients with infants or children through five years of age who sleep at the program and a licensed children's residential facility that serves infants or children through five years of age must document that before program staff persons or volunteers assist in the care of infants or children through five years of age, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden infant death syndrome and shaken baby syndrome. The training conducted under this section may be used to fulfill training requirements under Minnesota Rules, parts 2960.0100, subpart 3; and 9530.6490, subpart 4, item B.

This section does not apply to child care centers or family child care programs governed by sections 245A.40 and 245A.50.

Sec. 13. Minnesota Statutes 2008, section 245A.16, subdivision 1, is amended to read:

Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and private agencies that have been designated or licensed by the commissioner to perform licensing functions and activities under section 245A.04 background studies for adult foster care, family adult day services, and family child care, under chapter 245C; to recommend denial of applicants under section 245A.05; to issue correction orders, to issue variances, and recommend a conditional license under section 245A.06, or to recommend suspending or revoking a license or issuing a fine under section 245A.07, shall comply with rules and directives of the commissioner governing those functions and with this section. The following variances are excluded from the delegation of variance authority and may be issued only by the commissioner:

(1) dual licensure of family child care and child foster care, dual licensure of child and adult foster care, and adult foster care and family child care;

(2) adult foster care maximum capacity;

(3) adult foster care minimum age requirement;

(4) child foster care maximum age requirement;

(5) variances regarding disqualified individuals except that county agencies may issue variances under section 245C.30 regarding disqualified individuals when the county is responsible for conducting a consolidated reconsideration according to sections 245C.25 and 245C.27, subdivision 2, clauses (a) and (b), of a county maltreatment determination and a disqualification based on serious or recurring maltreatment; and

(6) the required presence of a caregiver in the adult foster care residence during normal sleeping hours.

Except as provided in section 245A.14, subdivision 4, paragraph (e), a county agency must not grant a license holder a variance to exceed the maximum allowable family child care license capacity of 14 children.

(b) County agencies must report information about disqualification reconsiderations under sections 245C.25 and 245C.27, subdivision 2, paragraphs (a) and (b), and variances granted under paragraph (a), clause (5), to the commissioner at least monthly in a format prescribed by the commissioner.

(c) For family day care programs, the commissioner may authorize licensing reviews every two years after a licensee has had at least one annual review.

(d) For family adult day services programs, the commissioner may authorize licensing reviews every two years after a licensee has had at least one annual review.

(e) A license issued under this section may be issued for up to two years.

Sec. 14. Minnesota Statutes 2008, section 245A.40, subdivision 5, is amended to read:

Subd. 5. **Sudden infant death syndrome and shaken baby syndrome training.** (a) License holders must document that before staff persons care for infants, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden infant death syndrome ~~and~~. In addition, license holders must document that before staff persons care for infants or children under school age, they receive training on the risk of shaken baby syndrome. The training in this subdivision may be provided as orientation training under subdivision 1 and in-service training under subdivision 7.

(b) Sudden infant death syndrome reduction training required under this subdivision must be at least ~~one~~ one-half hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden infant death syndrome ~~and shaken baby syndrome~~, means of reducing the risk of sudden infant death syndrome ~~and shaken baby syndrome~~ in child care, and license holder communication with parents regarding reducing the risk of sudden infant death syndrome and shaken baby syndrome.

(c) Shaken baby syndrome training under this subdivision must be at least one-half hour in length, and must be completed at least once every five years. At a minimum, the training must address the risk factors related to shaken baby syndrome for infants and young children, means to reduce the risk of shaken baby syndrome in child care, and license holder communication with parents regarding reducing the risk of shaken baby syndrome.

~~(d)~~ (d) The commissioner shall make available for viewing a video presentation on the dangers associated with shaking infants and young children. The video presentation must be part of the orientation and annual in-service training of licensed child care ~~centers~~ center staff persons caring for children under school age. The commissioner shall provide to child care providers and interested individuals, at cost, copies of a video approved by the commissioner of health under section 144.574 on the dangers associated with shaking infants and young children.

Sec. 15. Minnesota Statutes 2008, section 245A.50, subdivision 5, is amended to read:

Subd. 5. **Sudden infant death syndrome and shaken baby syndrome training.** (a) License holders must document that before staff persons, caregivers, and helpers assist in the care of infants, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden infant death syndrome ~~and~~. In addition, license holders must document that before staff persons, caregivers, and helpers assist in the care of infants and children under school age, they receive training on reducing the risk of shaken baby syndrome. The training in this subdivision may be provided as initial training under subdivision 1 or ongoing training under subdivision 7.

(b) Sudden infant death syndrome reduction training required under this subdivision must be at least ~~one~~ one-half hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden infant death syndrome ~~and shaken baby syndrome~~, means of reducing the risk of sudden infant death syndrome ~~and shaken baby syndrome~~ in child care, and license holder communication with parents regarding reducing the risk of sudden infant death syndrome ~~and shaken baby syndrome~~.

(c) Shaken baby syndrome training required under this subdivision must be at least one-half hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to shaken baby syndrome, means of reducing the risk of shaken baby syndrome in child care, and license holder communication with parents regarding reducing the risk of shaken baby syndrome.

(d) Training for family and group family child care providers must be approved by the county licensing agency.

~~(d)~~ (e) The commissioner shall make available for viewing by all licensed child care providers a video presentation on the dangers associated with shaking infants and young children. The video presentation shall be part of the initial and ongoing annual training of licensed child care providers caring for children under school age. The commissioner shall provide to child care providers and interested individuals, at cost, copies of a video approved by the commissioner of health under section 144.574 on the dangers associated with shaking infants and young children.

Sec. 16. Minnesota Statutes 2008, section 245C.03, subdivision 1, is amended to read:

Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a background study on:

- (1) the person or persons applying for a license;
- (2) an individual age 13 and over living in the household where the licensed program will be provided;
- (3) current or prospective employees or contractors of the applicant who will have direct contact with persons served by the facility, agency, or program;
- (4) volunteers or student volunteers who will have direct contact with persons served by the program to provide program services if the contact is not under the continuous, direct supervision by an individual listed in clause (1) or (3);
- (5) an individual age ten to 12 living in the household where the licensed services will be provided when the commissioner has reasonable cause;
- (6) an individual who, without providing direct contact services at a licensed program, may have unsupervised access to children or vulnerable adults receiving services from a program, when the commissioner has reasonable cause; and

(7) all managerial officials as defined under section 245A.02, subdivision 5a.

(b) For family child foster care settings, a short-term substitute caregiver providing direct contact services for a child for less than 72 hours of continuous care is not required to receive a background study under this chapter.

Sec. 17. Minnesota Statutes 2008, section 245C.04, subdivision 1, is amended to read:

Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a background study of an individual required to be studied under section 245C.03, subdivision 1, at least upon application for initial license for all license types.

(b) The commissioner shall conduct a background study of an individual required to be studied under section 245C.03, subdivision 1, at reapplication for a license for adult foster care, family adult day services, and family child care.

(c) The commissioner is not required to conduct a study of an individual at the time of reapplication for a license if the individual's background study was completed by the commissioner of human services for an adult foster care license holder that is also:

(1) registered under chapter 144D; or

(2) licensed to provide home and community-based services to people with disabilities at the foster care location and the license holder does not reside in the foster care residence; and

(3) the following conditions are met:

(i) a study of the individual was conducted either at the time of initial licensure or when the individual became affiliated with the license holder;

(ii) the individual has been continuously affiliated with the license holder since the last study was conducted; and

(iii) the last study of the individual was conducted on or after October 1, 1995.

(d) From July 1, 2007, to June 30, 2009, the commissioner of human services shall conduct a study of an individual required to be studied under section 245C.03, at the time of reapplication for a child foster care license. The county or private agency shall collect and forward to the commissioner the information required under section 245C.05, subdivisions 1, paragraphs (a) and (b), and 5, paragraphs (a) and (b). The background study conducted by the commissioner of human services under this paragraph must include a review of the information required under section 245C.08, subdivisions 1, paragraph (a), clauses (1) to (5), 3, and 4.

(e) The commissioner of human services shall conduct a background study of an individual specified under section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6), who is newly affiliated with a child foster care license holder. The county or private agency shall collect and forward to the commissioner the information required under section 245C.05, subdivisions 1 and 5. The background study conducted by the commissioner of human services under this paragraph must include a review of the information required under section 245C.08, subdivisions 1, 3, and 4.

(f) Applicants for licensure, license holders, and other entities as provided in this chapter must submit completed background study forms to the commissioner before individuals specified in section 245C.03, subdivision 1, begin positions allowing direct contact in any licensed program.

(g) For purposes of this section, a physician licensed under chapter 147 is considered to be continuously affiliated upon the license holder's receipt from the commissioner of health or human services of the physician's background study results.

(h) A license holder must provide the commissioner notice through the commissioner's online background study system or through a letter mailed to the commissioner when:

(1) an individual returns to a position requiring a background study following an absence of 45 or more consecutive days; or

(2) a program, which discontinued providing licensed direct contact services for 45 or more consecutive days, again begins to provide direct contact licensed services.

The license holder shall maintain a copy of the notification provided to the commissioner under this paragraph in the program's files.

Sec. 18. Minnesota Statutes 2008, section 245C.07, is amended to read:

245C.07 STUDY SUBJECT AFFILIATED WITH MULTIPLE FACILITIES.

(a) When a license holder, applicant, or other entity owns multiple programs or services that are licensed by the Department of Human Services, Department of Health, or Department of Corrections, only one background study is required for an individual who provides direct contact services in one or more of the licensed programs or services if:

(1) the license holder designates one individual with one address and telephone number as the person to receive sensitive background study information for the multiple licensed programs or services that depend on the same background study; and

(2) the individual designated to receive the sensitive background study information is capable of determining, upon request of the department, whether a background study subject is providing direct contact services in one or more of the license holder's programs or services and, if so, at which location or locations.

(b) When a license holder maintains background study compliance for multiple licensed programs according to paragraph (a), and one or more of the licensed programs closes, the license holder shall immediately notify the commissioner which staff must be transferred to an active license so that the background studies can be electronically paired with the license holder's active program.

~~(b)~~ (c) When a background study is being initiated by a licensed program or service or a foster care provider that is also registered under chapter 144D, a study subject affiliated with multiple licensed programs or services may attach to the background study form a cover letter indicating the additional names of the programs or services, addresses, and background study identification numbers.

When the commissioner receives a notice, the commissioner shall notify each program or service identified by the background study subject of the study results.

The background study notice the commissioner sends to the subsequent agencies shall satisfy those programs' or services' responsibilities for initiating a background study on that individual.

Sec. 19. Minnesota Statutes 2008, section 245C.08, is amended to read:

245C.08 BACKGROUND STUDY; COMMISSIONER REVIEWS.

Subdivision 1. **Background studies conducted by commissioner Department of Human Services.** (a) For a background study conducted by the ~~commissioner~~ Department of Human Services, the commissioner shall review:

(1) information related to names of substantiated perpetrators of maltreatment of vulnerable adults that has been received by the commissioner as required under section 626.557, subdivision 9c, paragraph (i);

(2) the commissioner's records relating to the maltreatment of minors in licensed programs, and from findings of maltreatment of minors as indicated through the social service information system;

(3) information from juvenile courts as required in subdivision 4 for individuals listed in section 245C.03, subdivision 1, ~~clauses (2), (5), and (6)~~ when there is reasonable cause;

(4) information from the Bureau of Criminal Apprehension;

(5) except as provided in clause (6), information from the national crime information system when the commissioner has reasonable cause as defined under section 245C.05, subdivision 5; and

(6) for a background study related to a child foster care application for licensure or adoptions, the commissioner shall also review:

(i) information from the child abuse and neglect registry for any state in which the background study subject has resided for the past five years; and

(ii) information from national crime information databases, when the background study ~~object~~ subject is 18 years of age or older.

(b) Notwithstanding expungement by a court, the commissioner may consider information obtained under paragraph (a), clauses (3) and (4), unless the commissioner received notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner.

Subd. 2. **Background studies conducted by a county agency.** (a) For a background study conducted by a county agency for adult foster care, family adult day services, and family child care services, the commissioner shall review:

(1) information from the county agency's record of substantiated maltreatment of adults and the maltreatment of minors;

(2) information from juvenile courts as required in subdivision 4 for ~~individuals listed in section 245C.03, subdivision 1, clauses (2), (5), and (6)~~;

(i) individuals listed in section 245C.03, subdivision 1, who are ages 13 through 23 living in the household where the licensed services will be provided; and

(ii) any other individual listed under section 245C.03, subdivision 1, when there is reasonable cause; and

(3) information from the Bureau of Criminal Apprehension.

(b) If the individual has resided in the county for less than five years, the study shall include the records specified under paragraph (a) for the previous county or counties of residence for the past five years.

(c) Notwithstanding expungement by a court, the county agency may consider information obtained under paragraph (a), clause (3), unless the commissioner received notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner.

Subd. 3. **Arrest and investigative information.** (a) For any background study completed under this section, if the commissioner has reasonable cause to believe the information is pertinent to the disqualification of an individual, the commissioner also may review arrest and investigative information from:

- (1) the Bureau of Criminal Apprehension;
- (2) the commissioner of health;
- (3) a county attorney;
- (4) a county sheriff;
- (5) a county agency;
- (6) a local chief of police;
- (7) other states;
- (8) the courts;
- (9) the Federal Bureau of Investigation;
- (10) the National Criminal Records Repository; and
- (11) criminal records from other states.

(b) The commissioner is not required to conduct more than one review of a subject's records from the Federal Bureau of Investigation if a review of the subject's criminal history with the Federal Bureau of Investigation has already been completed by the commissioner and there has been no break in the subject's affiliation with the license holder who initiated the background study.

Subd. 4. **Juvenile court records.** (a) For a background study conducted by the Department of Human Services, the commissioner shall review records from the juvenile courts for an individual studied under section 245C.03, subdivision 1, clauses (2) and (5) when the commissioner has reasonable cause.

(b) For individuals studied under section 245C.03, subdivision 1, clauses (1), (3), (4), and (6), and subdivision 2, who are ages 13 to 17, the commissioner shall review records from the juvenile courts a background study conducted by a county agency, the commissioner shall review records from the juvenile courts for individuals listed in section 245C.03, subdivision 1, who are ages 13 through 23 living in the household where the licensed services will be provided. The commissioner shall also review records from juvenile courts for any other individual listed under section 245C.03, subdivision 1, when the commissioner has reasonable cause.

(c) The juvenile courts shall help with the study by giving the commissioner existing juvenile court records relating to delinquency proceedings held on individuals described in section 245C.03, subdivision 1, ~~clauses (2), (5), and (6), relating to delinquency proceedings held within either the five years immediately preceding the background study or the five years immediately preceding the individual's 18th birthday, whichever time period is longer when requested pursuant to this subdivision.~~

(d) For purposes of this chapter, a finding that a delinquency petition is proven in juvenile court shall be considered a conviction in state district court.

(e) Juvenile courts shall provide orders of involuntary and voluntary termination of parental rights under section 260C.301 to the commissioner upon request for purposes of conducting a background study under this chapter.

Sec. 20. Minnesota Statutes 2008, section 245C.13, subdivision 2, is amended to read:

Subd. 2. **Direct contact pending completion of background study.** The subject of a background study may not perform any activity requiring a background study under paragraph (b) until the commissioner has issued one of the notices under paragraph (a).

(a) Notices from the commissioner required prior to activity under paragraph (b) include:

(1) a notice of the study results under section 245C.17 stating that:

(i) the individual is not disqualified; or

(ii) more time is needed to complete the study but the individual is not required to be removed from direct contact or access to people receiving services prior to completion of the study as provided under section 245C.17, subdivision 1, paragraph (b) or (c). The notice that more time is needed to complete the study must also indicate whether the individual is required to be under continuous direct supervision prior to completion of the background study;

(2) a notice that a disqualification has been set aside under section 245C.23; or

(3) a notice that a variance has been granted related to the individual under section 245C.30.

(b) Activities prohibited prior to receipt of notice under paragraph (a) include:

(1) being issued a license;

(2) living in the household where the licensed program will be provided;

(3) providing direct contact services to persons served by a program unless the subject is under continuous direct supervision; or

(4) having access to persons receiving services if the background study was completed under section 144.057, subdivision 1, or 245C.03, subdivision 1, paragraph (a), clause (2), (5), or (6), unless the subject is under continuous direct supervision.

Sec. 21. Minnesota Statutes 2008, section 245C.15, subdivision 1, is amended to read:

Subdivision 1. **Permanent disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) regardless of how much time has passed since the discharge of the sentence imposed, if any, for the offense; and (2) unless otherwise specified, regardless of the level of the offense, the individual has committed any of the following offenses: sections 243.166 (violation of predatory offender registration law); 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); a felony offense under 609.221 or 609.222 (assault in the first or second degree); a felony offense under sections 609.2242 and 609.2243 (domestic assault), spousal abuse, child abuse or neglect, or a crime against children; 609.2247 (domestic assault by strangulation); 609.228 (great bodily harm caused by distribution of drugs); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.322 (solicitation, inducement, and promotion of prostitution); 609.324, subdivision 1 (other prohibited acts); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage in sexual conduct); 609.365 (incest); a felony offense under 609.377 (malicious punishment of a child); a felony offense under 609.378 (neglect or endangerment of a child); 609.561 (arson in the first degree); 609.66, subdivision 1e (drive-by shooting); 609.749, subdivision 3, 4, or 5 (felony-level harassment; stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); 617.23, subdivision 2, clause (1), or subdivision 3, clause (1) (indecent exposure involving a minor); 617.246 (use of minors in sexual performance prohibited); or 617.247 (possession of pictorial representations of minors). An individual also is disqualified under section 245C.14 regardless of how much time has passed since the involuntary termination of the individual's parental rights under section 260C.301.

(b) An individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes, permanently disqualifies the individual under section 245C.14.

(c) An individual's offense in any other state or country, where the elements of the offense are substantially similar to any of the offenses listed in paragraph (a), permanently disqualifies the individual under section 245C.14.

(d) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

(e) If the individual studied commits one of the offenses listed in paragraph (a) that is specified as a felony-level only offense, but the sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is disqualified, but the disqualification look-back period for the offense is the period applicable to gross misdemeanor or misdemeanor offenses.

Sec. 22. Minnesota Statutes 2008, section 245C.15, subdivision 2, is amended to read:

Subd. 2. **15-year disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a felony-level violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (false representation; concealment of facts); 393.07, subdivision 10, paragraph (c) (federal Food

Stamp Program fraud); 609.165 (felon ineligible to possess firearm); 609.21 (criminal vehicular homicide and injury); 609.215 (suicide); 609.223 or 609.2231 (assault in the third or fourth degree); repeat offenses under 609.224 (assault in the fifth degree); 609.229 (crimes committed for benefit of a gang); 609.2325 (criminal abuse of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.255 (false imprisonment); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.27 (coercion); 609.275 (attempt to coerce); 609.466 (medical assistance fraud); 609.495 (aiding an offender); 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a witness); 609.52 (theft); 609.521 (possession of shoplifting gear); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.562 (arson in the second degree); 609.563 (arson in the third degree); 609.582 (burglary); 609.59 (possession of burglary tools); 609.611 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery; offering a forged check); 609.635 (obtaining signature by false pretense); 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns); 609.687 (adulteration); 609.71 (riot); 609.713 (terroristic threats); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; repeat offenses under 617.241 (obscene materials and performances; distribution and exhibition prohibited; penalty); 624.713 (certain persons not to possess firearms); chapter 152 (drugs; controlled substance); or a felony-level conviction involving alcohol or drug use.

(b) An individual is disqualified under section 245C.14 if less than 15 years has passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

(c) For foster care and family child care an individual is disqualified under section 245C.14 if less than 15 years has passed since the individual's voluntary termination of the individual's parental rights under section 260C.301, subdivision 1, paragraph (b), or 260C.301, subdivision 3.

(d) An individual is disqualified under section 245C.14 if less than 15 years has passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of the offenses listed in paragraph (a).

(e) If the individual studied commits one of the offenses listed in paragraph (a), but the sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is disqualified but the disqualification look-back period for the offense is the period applicable to the gross misdemeanor or misdemeanor disposition.

(f) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

Sec. 23. Minnesota Statutes 2008, section 245C.15, subdivision 3, is amended to read:

Subd. 3. **Ten-year disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) less than ten years have passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a gross misdemeanor-level violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (false representation; concealment of facts); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.21 (criminal vehicular homicide and injury); 609.221 or 609.222 (assault

in the first or second degree); 609.223 or 609.2231 (assault in the third or fourth degree); 609.224 (assault in the fifth degree); 609.224, subdivision 2, paragraph (c) (assault in the fifth degree by a caregiver against a vulnerable adult); 609.2242 and 609.2243 (domestic assault); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.265 (abduction); 609.275 (attempt to coerce); 609.324, subdivision 1a (other prohibited acts; minor engaged in prostitution); 609.33 (disorderly house); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.466 (medical assistance fraud); 609.52 (theft); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.582 (burglary); 609.59 (possession of burglary tools); 609.611 (insurance fraud); 609.631 (check forgery; offering a forged check); 609.66 (dangerous weapons); 609.71 (riot); 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); repeat offenses under 609.746 (interference with privacy); 609.749, subdivision 2 (harassment; stalking); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; 617.241 (obscene materials and performances); 617.243 (indecent literature, distribution); 617.293 (harmful materials; dissemination and display to minors prohibited); or violation of an order for protection under section 518B.01, subdivision 14.

(b) An individual is disqualified under section 245C.14 if less than ten years has passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

(c) An individual is disqualified under section 245C.14 if less than ten years has passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in paragraph (a).

(d) If the individual studied commits one of the offenses listed in paragraph (a), but the sentence or level of offense is a misdemeanor disposition, the individual is disqualified but the disqualification lookback period for the offense is the period applicable to misdemeanors.

(e) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

Sec. 24. Minnesota Statutes 2008, section 245C.15, subdivision 4, is amended to read:

Subd. 4. **Seven-year disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) less than seven years has passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a misdemeanor-level violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (false representation; concealment of facts); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.21 (criminal vehicular homicide and injury); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.2672 (assault of an unborn child in the third degree); 609.27 (coercion); violation of an order for protection under 609.3232 (protective order authorized; procedures; penalties); 609.466 (medical assistance fraud); 609.52 (theft); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.611 (insurance fraud); 609.66 (dangerous weapons); 609.665 (spring guns); 609.746 (interference with privacy);

609.79 (obscene or harassing telephone calls); 609.795 (letter, telegram, or package; opening; harassment); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; 617.293 (harmful materials; dissemination and display to minors prohibited); or violation of an order for protection under section 518B.01 (Domestic Abuse Act).

(b) An individual is disqualified under section 245C.14 if less than seven years has passed since a determination or disposition of the individual's:

(1) failure to make required reports under section 626.556, subdivision 3, or 626.557, subdivision 3, for incidents in which: (i) the final disposition under section 626.556 or 626.557 was substantiated maltreatment, and (ii) the maltreatment was recurring or serious; or

(2) substantiated serious or recurring maltreatment of a minor under section 626.556, a vulnerable adult under section 626.557, or serious or recurring maltreatment in any other state, the elements of which are substantially similar to the elements of maltreatment under section 626.556 or 626.557 for which: (i) there is a preponderance of evidence that the maltreatment occurred, and (ii) the subject was responsible for the maltreatment.

(c) An individual is disqualified under section 245C.14 if less than seven years has passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota Statutes.

(d) An individual is disqualified under section 245C.14 if less than seven years has passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in paragraphs (a) and (b).

(e) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

(f) An individual is disqualified under section 245C.14 if less than seven years has passed since the individual was disqualified under section 256.98, subdivision 8.

Sec. 25. Minnesota Statutes 2008, section 245C.22, subdivision 7, is amended to read:

Subd. 7. **Classification of certain data.** (a) Notwithstanding section 13.46, upon setting aside a disqualification under this section, the identity of the disqualified individual who received the set-aside and the individual's disqualifying characteristics are public data if the set-aside was:

(1) for any disqualifying characteristic under section 245C.15, when the set-aside relates to a child care center or a family child care provider licensed under chapter 245A; or

(2) for a disqualifying characteristic under section 245C.15, subdivision 2.

(b) Notwithstanding section 13.46, upon granting a variance to a license holder under section 245C.30, the identity of the disqualified individual who is the subject of the variance, the individual's disqualifying characteristics under section 245C.15, and the terms of the variance are public data, when the variance:

(1) is issued to a child care center or a family child care provider licensed under chapter 245A; or

(2) relates to an individual with a disqualifying characteristic under section 245C.15, subdivision 2.

(c) The identity of a disqualified individual and the reason for disqualification remain private data when:

(1) a disqualification is not set aside and no variance is granted, except as provided under section 13.46, subdivision 4;

(2) the data are not public under paragraph (a) or (b);

(3) the disqualification is rescinded because the information relied upon to disqualify the individual is incorrect; or

(4) the disqualification relates to a license to provide relative child foster care. As used in this clause, "relative" has the meaning given it under section 260C.007, subdivision 27.

(d) Licensed family child care providers and child care centers must provide notices as required under section 245C.301.

(e) Notwithstanding paragraphs (a) and (b), the identity of household members who are the subject of a disqualification related set-aside or variance is not public data if:

(1) the household member resides in the residence where the family child care is provided;

(2) the subject of the set-aside or variance is under the age of 18 years; and

(3) the set-aside or variance only relates to a disqualification under section 245C.15, subdivision 4, for a misdemeanor-level theft crime as defined in section 609.52.

Sec. 26. Minnesota Statutes 2008, section 245C.24, subdivision 2, is amended to read:

Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in paragraph (b), the commissioner may not set aside the disqualification of any individual disqualified pursuant to this chapter, regardless of how much time has passed, if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision 1.

(b) For an individual in the chemical dependency or corrections field who was disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and whose disqualification was set aside prior to July 1, 2005, the commissioner must consider granting a variance pursuant to section 245C.30 for the license holder for a program dealing primarily with adults. A request for reconsideration evaluated under this paragraph must include a letter of recommendation from the license holder that was subject to the prior set-aside decision addressing the individual's quality of care to children or vulnerable adults and the circumstances of the individual's departure from that service.

(c) When a licensed foster care provider adopts an individual who had received foster care services from the provider for over six months, and the adopted individual is required to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30 to permit the adopted individual with a permanent disqualification to remain affiliated with the license holder under the conditions of the variance when the variance is recommended by the county of responsibility for each of the remaining individuals in placement in the home and the licensing agency for the home.

Sec. 27. Minnesota Statutes 2008, section 245C.24, subdivision 3, is amended to read:

Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner may not set aside the disqualification of an individual in connection with a license to provide family child care for children, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home if: (1) less than ten years has passed since the discharge of the sentence imposed, if any, for the offense; or (2) when disqualified based on a preponderance of evidence determination under section 245C.14, subdivision 1, paragraph (a), clause (2), or an admission under section 245C.14, subdivision 1, paragraph (a), clause (1), and less than ten years has passed since the individual committed the act or admitted to committing the act, whichever is later; and (3) the individual has committed a violation of any of the following offenses: sections 609.165 (felon ineligible to possess firearm); criminal vehicular homicide or criminal vehicular operation causing death under 609.21 (criminal vehicular homicide and injury); 609.215 (aiding suicide or aiding attempted suicide); felony violations under 609.223 or 609.2231 (assault in the third or fourth degree); 609.229 (crimes committed for benefit of a gang); 609.713 (terroristic threats); 609.235 (use of drugs to injure or to facilitate crime); 609.24 (simple robbery); 609.255 (false imprisonment); 609.562 (arson in the second degree); 609.71 (riot); 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a witness); burglary in the first or second degree under 609.582 (burglary); 609.66 (dangerous weapon); 609.665 (spring guns); 609.67 (machine guns and short-barreled shotguns); 609.749, subdivision 2 (gross misdemeanor harassment; stalking); 152.021 or 152.022 (controlled substance crime in the first or second degree); 152.023, subdivision 1, clause (3) or (4) or subdivision 2, clause (4) (controlled substance crime in the third degree); 152.024, subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree); 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report); 609.265 (abduction); 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree); 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree); 609.268 (injury or death of an unborn child in the commission of a crime); repeat offenses under 617.23 (indecent exposure); 617.293 (disseminating or displaying harmful material to minors); a felony-level conviction involving alcohol or drug use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts); a gross misdemeanor offense under 609.378 (neglect or endangerment of a child); a gross misdemeanor offense under 609.377 (malicious punishment of a child); 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); or 624.713 (certain persons not to possess firearms).

(b) The commissioner may not set aside the disqualification of an individual if less than ten years have passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a) as each of these offenses is defined in Minnesota Statutes.

(c) The commissioner may not set aside the disqualification of an individual if less than ten years have passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in paragraph (a).

Sec. 28. Minnesota Statutes 2008, section 245C.25, is amended to read:

245C.25 CONSOLIDATED RECONSIDERATION OF MALTREATMENT DETERMINATION AND DISQUALIFICATION.

(a) If an individual is disqualified on the basis of a determination of maltreatment under section 626.556 or 626.557, which was serious or recurring, and the individual requests reconsideration of the maltreatment determination under section 626.556, subdivision 10i, or 626.557, subdivision 9d, and also requests reconsideration of the disqualification under section 245C.21, the commissioner shall consolidate the reconsideration of the maltreatment determination and the disqualification into a single reconsideration.

(b) For maltreatment and disqualification determinations made by county agencies, the county agency shall conduct the consolidated reconsideration. If the county agency has disqualified an individual on multiple bases, one of which is a county maltreatment determination for which the individual has a right to request reconsideration, the county shall conduct the reconsideration of all disqualifications.

(c) If the county has previously conducted a consolidated reconsideration under paragraph (b) of a maltreatment determination and a disqualification based on serious or recurring maltreatment, and the county subsequently disqualifies the individual based on that determination, the county shall conduct the reconsideration of the subsequent disqualification. The scope of the subsequent disqualification shall be limited to whether the individual poses a risk of harm in accordance with section 245C.22, subdivision 4. If the commissioner subsequently disqualifies the individual in connection with a child foster care license based on the county's previous maltreatment determination, the commissioner shall conduct the reconsideration of the subsequent disqualification.

Sec. 29. Minnesota Statutes 2008, section 245C.27, subdivision 1, is amended to read:

Subdivision 1. **Fair hearing when disqualification is not set aside.** (a) If the commissioner does not set aside a disqualification of an individual under section 245C.22 who is disqualified on the basis of a preponderance of evidence that the individual committed an act or acts that meet the definition of any of the crimes listed in section 245C.15; for a determination under section 626.556 or 626.557 of substantiated maltreatment that was serious or recurring under section 245C.15; or for failure to make required reports under section 626.556, subdivision 3; or 626.557, subdivision 3, pursuant to section 245C.15, subdivision 4, paragraph (b), clause (1), the individual may request a fair hearing under section 256.045, unless the disqualification is deemed conclusive under section 245C.29.

(b) The fair hearing is the only administrative appeal of the final agency determination for purposes of appeal by the disqualified individual. The disqualified individual does not have the right to challenge the accuracy and completeness of data under section 13.04.

(c) Except as provided under paragraph (e), if the individual was disqualified based on a conviction ~~or~~ of, admission to, or Alford Plea to any crimes listed in section 245C.15, subdivisions 1 to 4, or for a disqualification under section 256.98, subdivision 8, the reconsideration decision under section 245C.22 is the final agency determination for purposes of appeal by the disqualified individual and is not subject to a hearing under section 256.045. If the individual was disqualified based on a judicial determination, that determination is treated the same as a conviction for purposes of appeal.

(d) This subdivision does not apply to a public employee's appeal of a disqualification under section 245C.28, subdivision 3.

(e) Notwithstanding paragraph (c), if the commissioner does not set aside a disqualification of an individual who was disqualified based on both a preponderance of evidence and a conviction or admission, the individual may request a fair hearing under section 256.045, unless the disqualifications are deemed conclusive under section 245C.29. The scope of the hearing conducted under section 256.045 with regard to the disqualification based on a conviction or admission shall be limited solely to whether the individual poses a risk of harm, according to section 256.045, subdivision 3b. In this case, the reconsideration decision under section 245C.22 is not the final agency decision for purposes of appeal by the disqualified individual.

Sec. 30. Minnesota Statutes 2008, section 256.045, subdivision 3, is amended to read:

Subd. 3. **State agency hearings.** (a) State agency hearings are available for the following:

(1) any person applying for, receiving or having received public assistance, medical care, or a program of social services granted by the state agency or a county agency or the federal Food Stamp Act whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid;

(2) any patient or relative aggrieved by an order of the commissioner under section 252.27;

(3) a party aggrieved by a ruling of a prepaid health plan;

(4) except as provided under chapter 245C, any individual or facility determined by a lead agency to have maltreated a vulnerable adult under section 626.557 after they have exercised their right to administrative reconsideration under section 626.557;

(5) any person whose claim for foster care payment according to a placement of the child resulting from a child protection assessment under section 626.556 is denied or not acted upon with reasonable promptness, regardless of funding source;

(6) any person to whom a right of appeal according to this section is given by other provision of law;

(7) an applicant aggrieved by an adverse decision to an application for a hardship waiver under section 256B.15;

(8) an applicant aggrieved by an adverse decision to an application or redetermination for a Medicare Part D prescription drug subsidy under section 256B.04, subdivision 4a;

(9) except as provided under chapter 245A, an individual or facility determined to have maltreated a minor under section 626.556, after the individual or facility has exercised the right to administrative reconsideration under section 626.556; or

(10) except as provided under chapter 245C, an individual disqualified under sections 245C.14 and 245C.15, which has not been set aside under sections 245C.22 and 245C.23, on the basis of serious or recurring maltreatment; a preponderance of the evidence that the individual has committed an act or acts that meet the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under section 626.556, subdivision 3, or 626.557, subdivision 3. Hearings regarding a maltreatment determination under clause (4) or (9) and a disqualification under this clause in which the basis for a disqualification is serious or recurring maltreatment, which has not been set aside under sections 245C.22 and 245C.23, shall be consolidated into a single fair hearing. In such cases, the scope of review by the human services referee shall include both the maltreatment determination and the disqualification. The failure to exercise the right to an administrative reconsideration shall not be a bar to a hearing under this section if federal law provides an individual the right to a hearing to dispute a finding of maltreatment. Individuals and organizations specified in this section may contest the specified action, decision, or final disposition before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action, decision, or final disposition, or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause why the request was not submitted within the 30-day time limit.

(b) The hearing for an individual or facility under paragraph (a), clause (4), (9), or (10), is the only administrative appeal to the final agency determination specifically, including a challenge to the accuracy and completeness of data under section 13.04. Hearings requested under paragraph (a), clause (4), apply only to incidents of maltreatment that occur on or after October 1, 1995. Hearings requested by nursing assistants in nursing homes alleged to have maltreated a resident prior to October 1, 1995, shall be held as a contested case

proceeding under the provisions of chapter 14. Hearings requested under paragraph (a), clause (9), apply only to incidents of maltreatment that occur on or after July 1, 1997. A hearing for an individual or facility under paragraph (a), clause (9), is only available when there is no juvenile court or adult criminal action pending. If such action is filed in either court while an administrative review is pending, the administrative review must be suspended until the judicial actions are completed. If the juvenile court action or criminal charge is dismissed or the criminal action overturned, the matter may be considered in an administrative hearing.

(c) For purposes of this section, bargaining unit grievance procedures are not an administrative appeal.

(d) The scope of hearings involving claims to foster care payments under paragraph (a), clause (5), shall be limited to the issue of whether the county is legally responsible for a child's placement under court order or voluntary placement agreement and, if so, the correct amount of foster care payment to be made on the child's behalf and shall not include review of the propriety of the county's child protection determination or child placement decision.

(e) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services is not a party and may not request a hearing under this section, except if assisting a recipient as provided in subdivision 4.

(f) An applicant or recipient is not entitled to receive social services beyond the services prescribed under chapter 256M or other social services the person is eligible for under state law.

(g) The commissioner may summarily affirm the county or state agency's proposed action without a hearing when the sole issue is an automatic change due to a change in state or federal law.

Sec. 31. Minnesota Statutes 2008, section 256.045, subdivision 3b, is amended to read:

Subd. 3b. **Standard of evidence for maltreatment and disqualification hearings.** (a) The state human services referee shall determine that maltreatment has occurred if a preponderance of evidence exists to support the final disposition under sections 626.556 and 626.557. For purposes of hearings regarding disqualification, the state human services referee shall affirm the proposed disqualification in an appeal under subdivision 3, paragraph (a), clause (9), if a preponderance of the evidence shows the individual has:

(1) committed maltreatment under section 626.556 or 626.557, which is serious or recurring;

(2) committed an act or acts meeting the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or

(3) failed to make required reports under section 626.556 or 626.557, for incidents in which the final disposition under section 626.556 or 626.557 was substantiated maltreatment that was serious or recurring.

(b) If the disqualification is affirmed, the state human services referee shall determine whether the individual poses a risk of harm in accordance with the requirements of section ~~245C.16~~ 245C.22, and whether the disqualification should be set aside or not set aside. In determining whether the disqualification should be set aside, the human services referee shall consider all of the characteristics that cause the individual to be disqualified, including those characteristics that were not subject to review under paragraph (a), in order to determine whether the individual poses a risk of harm. A decision to set aside a disqualification that is the subject of the hearing constitutes a determination that the individual does not pose a risk of harm and that the individual may provide direct contact services in the individual program specified in the set aside. If a determination that the information relied upon to disqualify an individual was correct and is conclusive under section 245C.29, and the individual is subsequently disqualified under section 245C.14, the individual has a right to again request reconsideration on the risk of harm under section 245C.21. Subsequent determinations regarding risk of harm are not subject to another hearing under this section.

(c) The state human services referee shall recommend an order to the commissioner of health, education, or human services, as applicable, who shall issue a final order. The commissioner shall affirm, reverse, or modify the final disposition. Any order of the commissioner issued in accordance with this subdivision is conclusive upon the parties unless appeal is taken in the manner provided in subdivision 7. In any licensing appeal under chapters 245A and 245C and sections 144.50 to 144.58 and 144A.02 to 144A.46, the commissioner's determination as to maltreatment is conclusive, as provided under section 245C.29.

Sec. 32. **[256.364] LICENSE; PERMIT.**

Notwithstanding any law to the contrary, a municipality shall not require a massage therapist to obtain a license or permit when the therapist is working for or an employee of a medical professional licensed under chapter 147 or 148.

Sec. 33. Minnesota Statutes 2008, section 256B.0943, subdivision 4, is amended to read:

Subd. 4. **Provider entity certification.** (a) Effective July 1, 2003, the commissioner shall establish an initial provider entity application and certification process and recertification process to determine whether a provider entity has an administrative and clinical infrastructure that meets the requirements in subdivisions 5 and 6. The commissioner shall recertify a provider entity at least every three years. The commissioner shall establish a process for decertification of a provider entity that no longer meets the requirements in this section. The county, tribe, and the commissioner shall be mutually responsible and accountable for the county's, tribe's, and state's part of the certification, recertification, and decertification processes.

(b) For purposes of this section, a provider entity must be:

(1) an Indian health services facility or a facility owned and operated by a tribe or tribal organization operating as a 638 facility under Public Law 93-638 certified by the state;

(2) a county-operated entity certified by the state; or

(3) a noncounty entity ~~recommended for certification by the provider's host county and~~ certified by the state.

Sec. 34. Minnesota Statutes 2008, section 256B.0943, subdivision 6, is amended to read:

Subd. 6. **Provider entity clinical infrastructure requirements.** (a) To be an eligible provider entity under this section, a provider entity must have a clinical infrastructure that utilizes diagnostic assessment, an individualized treatment plan, service delivery, and individual treatment plan review that are culturally competent, child-centered, and family-driven to achieve maximum benefit for the client. The provider entity must review, and update as necessary, the clinical policies and procedures every three years and must distribute the policies and procedures to staff initially and upon each subsequent update.

(b) The clinical infrastructure written policies and procedures must include policies and procedures for:

(1) providing or obtaining a client's diagnostic assessment that identifies acute and chronic clinical disorders, co-occurring medical conditions, sources of psychological and environmental problems, ~~and~~ including a functional assessment. The functional assessment component must clearly summarize the client's individual strengths and needs;

(2) developing an individual treatment plan that is:

(i) based on the information in the client's diagnostic assessment;

(ii) developed no later than the end of the first psychotherapy session after the completion of the client's diagnostic assessment by the mental health professional who provides the client's psychotherapy;

(iii) developed through a child-centered, family-driven planning process that identifies service needs and individualized, planned, and culturally appropriate interventions that contain specific treatment goals and objectives for the client and the client's family or foster family;

(iv) reviewed at least once every 90 days and revised, if necessary; and

(v) signed by the client or, if appropriate, by the client's parent or other person authorized by statute to consent to mental health services for the client;

(3) developing an individual behavior plan that documents services to be provided by the mental health behavioral aide. The individual behavior plan must include:

(i) detailed instructions on the service to be provided;

(ii) time allocated to each service;

(iii) methods of documenting the child's behavior;

(iv) methods of monitoring the child's progress in reaching objectives; and

(v) goals to increase or decrease targeted behavior as identified in the individual treatment plan;

(4) clinical supervision of the mental health practitioner and mental health behavioral aide. A mental health professional must document the clinical supervision the professional provides by cosigning individual treatment plans and making entries in the client's record on supervisory activities. Clinical supervision does not include the authority to make or terminate court-ordered placements of the child. A clinical supervisor must be available for urgent consultation as required by the individual client's needs or the situation. Clinical supervision may occur individually or in a small group to discuss treatment and review progress toward goals. The focus of clinical supervision must be the client's treatment needs and progress and the mental health practitioner's or behavioral aide's ability to provide services;

(4a) CTSS certified provider entities providing day treatment programs must meet the conditions in items (i) to (iii):

(i) the supervisor must be present and available on the premises more than 50 percent of the time in a five-working-day period during which the supervisee is providing a mental health service;

(ii) the diagnosis and the client's individual treatment plan or a change in the diagnosis or individual treatment plan must be made by or reviewed, approved, and signed by the supervisor; and

(iii) every 30 days, the supervisor must review and sign the record ~~of~~ indicating the supervisor has reviewed the client's care for all activities in the preceding 30-day period;

(4b) for all other services provided under CTSS, clinical supervision standards provided in items (i) to (iii) must be used:

(i) medical assistance shall reimburse a mental health practitioner who maintains a consulting relationship with a mental health professional who accepts full professional responsibility ~~and is present on site for at least one observation during the first 12 hours in which the mental health practitioner provides the individual, family, or group skills training to the child or the child's family;~~

(ii) ~~thereafter,~~ the mental health professional is required to be present on site for observation as clinically appropriate when the mental health practitioner is providing individual, family, or group skills training to the child or the child's family; and

(iii) when conducted, the observation must be a minimum of one clinical unit. The on-site presence of the mental health professional must be documented in the child's record and signed by the mental health professional who accepts full professional responsibility;

(5) providing direction to a mental health behavioral aide. For entities that employ mental health behavioral aides, the clinical supervisor must be employed by the provider entity or other certified children's therapeutic supports and services provider entity to ensure necessary and appropriate oversight for the client's treatment and continuity of care. The mental health professional or mental health practitioner giving direction must begin with the goals on the individualized treatment plan, and instruct the mental health behavioral aide on how to construct therapeutic activities and interventions that will lead to goal attainment. The professional or practitioner giving direction must also instruct the mental health behavioral aide about the client's diagnosis, functional status, and other characteristics that are likely to affect service delivery. Direction must also include determining that the mental health behavioral aide has the skills to interact with the client and the client's family in ways that convey personal and cultural respect and that the aide actively solicits information relevant to treatment from the family. The aide must be able to clearly explain the activities the aide is doing with the client and the activities' relationship to treatment goals. Direction is more didactic than is supervision and requires the professional or practitioner providing it to continuously evaluate the mental health behavioral aide's ability to carry out the activities of the individualized treatment plan and the individualized behavior plan. When providing direction, the professional or practitioner must:

(i) review progress notes prepared by the mental health behavioral aide for accuracy and consistency with diagnostic assessment, treatment plan, and behavior goals and the professional or practitioner must approve and sign the progress notes;

(ii) identify changes in treatment strategies, revise the individual behavior plan, and communicate treatment instructions and methodologies as appropriate to ensure that treatment is implemented correctly;

(iii) demonstrate family-friendly behaviors that support healthy collaboration among the child, the child's family, and providers as treatment is planned and implemented;

(iv) ensure that the mental health behavioral aide is able to effectively communicate with the child, the child's family, and the provider; and

(v) record the results of any evaluation and corrective actions taken to modify the work of the mental health behavioral aide;

(6) providing service delivery that implements the individual treatment plan and meets the requirements under subdivision 9; and

(7) individual treatment plan review. The review must determine the extent to which the services have met the goals and objectives in the previous treatment plan. The review must assess the client's progress and ensure that services and treatment goals continue to be necessary and appropriate to the client and the client's family or foster

family. Revision of the individual treatment plan does not require a new diagnostic assessment unless the client's mental health status has changed markedly. The updated treatment plan must be signed by the client, if appropriate, and by the client's parent or other person authorized by statute to give consent to the mental health services for the child.

Sec. 35. Minnesota Statutes 2008, section 256B.0943, subdivision 9, is amended to read:

Subd. 9. **Service delivery criteria.** (a) In delivering services under this section, a certified provider entity must ensure that:

(1) each individual provider's caseload size permits the provider to deliver services to both clients with severe, complex needs and clients with less intensive needs. The provider's caseload size should reasonably enable the provider to play an active role in service planning, monitoring, and delivering services to meet the client's and client's family's needs, as specified in each client's individual treatment plan;

(2) site-based programs, including day treatment and preschool programs, provide staffing and facilities to ensure the client's health, safety, and protection of rights, and that the programs are able to implement each client's individual treatment plan;

(3) a day treatment program is provided to a group of clients by a multidisciplinary team under the clinical supervision of a mental health professional. The day treatment program must be provided in and by: (i) an outpatient hospital accredited by the Joint Commission on Accreditation of Health Organizations and licensed under sections 144.50 to 144.55; (ii) a community mental health center under section 245.62; and (iii) an entity that is under contract with the county board to operate a program that meets the requirements of sections 245.4712, subdivision 2, and 245.4884, subdivision 2, and Minnesota Rules, parts 9505.0170 to 9505.0475. The day treatment program must stabilize the client's mental health status while developing and improving the client's independent living and socialization skills. The goal of the day treatment program must be to reduce or relieve the effects of mental illness and provide training to enable the client to live in the community. The program must be available at least one day a week for a ~~three-hour~~ two-hour time block. The ~~three-hour~~ two-hour time block must include at least one hour, ~~but no more than two hours~~, of individual or group psychotherapy. ~~The remainder of the three-hour time block may include recreation therapy, socialization therapy, or independent living skills therapy, but only if the therapies are included in the client's individual treatment plan.~~ The structured treatment program may include individual or group psychotherapy and recreation therapy, socialization therapy, or independent living skills therapy, if included in the client's individual treatment plan. Day treatment programs are not part of inpatient or residential treatment services; and

(4) a preschool program is a structured treatment program offered to a child who is at least 33 months old, but who has not yet reached the first day of kindergarten, by a preschool multidisciplinary team in a day program licensed under Minnesota Rules, parts 9503.0005 to 9503.0175. The program must be available at least one day a week for a minimum two-hour time block. The structured treatment program may include individual or group psychotherapy and recreation therapy, socialization therapy, or independent living skills therapy, if included in the client's individual treatment plan.

(b) A provider entity must deliver the service components of children's therapeutic services and supports in compliance with the following requirements:

(1) individual, family, and group psychotherapy must be delivered as specified in Minnesota Rules, part 505.0323;

(2) individual, family, or group skills training must be provided by a mental health professional or a mental health practitioner who has a consulting relationship with a mental health professional who accepts full professional responsibility for the training;

(3) crisis assistance must be time-limited and designed to resolve or stabilize crisis through arrangements for direct intervention and support services to the child and the child's family. Crisis assistance must utilize resources designed to address abrupt or substantial changes in the functioning of the child or the child's family as evidenced by a sudden change in behavior with negative consequences for well being, a loss of usual coping mechanisms, or the presentation of danger to self or others;

(4) medically necessary services that are provided by a mental health behavioral aide must be designed to improve the functioning of the child and support the family in activities of daily and community living. A mental health behavioral aide must document the delivery of services in written progress notes. The mental health behavioral aide must implement goals in the treatment plan for the child's emotional disturbance that allow the child to acquire developmentally and therapeutically appropriate daily living skills, social skills, and leisure and recreational skills through targeted activities. These activities may include:

- (i) assisting a child as needed with skills development in dressing, eating, and toileting;
- (ii) assisting, monitoring, and guiding the child to complete tasks, including facilitating the child's participation in medical appointments;
- (iii) observing the child and intervening to redirect the child's inappropriate behavior;
- (iv) assisting the child in using age-appropriate self-management skills as related to the child's emotional disorder or mental illness, including problem solving, decision making, communication, conflict resolution, anger management, social skills, and recreational skills;
- (v) implementing deescalation techniques as recommended by the mental health professional;
- (vi) implementing any other mental health service that the mental health professional has approved as being within the scope of the behavioral aide's duties; or
- (vii) assisting the parents to develop and use parenting skills that help the child achieve the goals outlined in the child's individual treatment plan or individual behavioral plan. Parenting skills must be directed exclusively to the child's treatment; and

(5) direction of a mental health behavioral aide must include the following:

- (i) a total of one hour of on-site observation by a mental health professional during the first 12 hours of service provided to a child;
- (ii) ongoing on-site observation by a mental health professional or mental health practitioner for at least a total of one hour during every 40 hours of service provided to a child; and
- (iii) immediate accessibility of the mental health professional or mental health practitioner to the mental health behavioral aide during service provision.

Sec. 36. Minnesota Statutes 2008, section 626.556, subdivision 2, is amended to read:

Subd. 2. **Definitions.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that is applied to a child maltreatment report that does not allege substantial child endangerment. Family assessment does not include a determination as to whether child maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

(b) "Investigation" means fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve substantial child endangerment, and for reports of maltreatment in facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and 13, and 124D.10; or in a nonlicensed personal care provider association as defined in sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

(c) "Substantial child endangerment" means a person responsible for a child's care, and in the case of sexual abuse includes a person who has a significant relationship to the child as defined in section 609.341, or a person in a position of authority as defined in section 609.341, who by act or omission commits or attempts to commit an act against a child under their care that constitutes any of the following:

- (1) egregious harm as defined in section 260C.007, subdivision 14;
- (2) sexual abuse as defined in paragraph (d);
- (3) abandonment under section 260C.301, subdivision 2;
- (4) neglect as defined in paragraph (f), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
- (5) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
- (6) manslaughter in the first or second degree under section 609.20 or 609.205;
- (7) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- (8) solicitation, inducement, and promotion of prostitution under section 609.322;
- (9) criminal sexual conduct under sections 609.342 to 609.3451;
- (10) solicitation of children to engage in sexual conduct under section 609.352;
- (11) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;
- (12) use of a minor in sexual performance under section 617.246; or
- (13) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section 260C.301, subdivision 3, paragraph (a).

(d) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual

conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse.

(e) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(f) "Neglect" means the commission or omission of any of the acts specified under clauses (1) to (9), other than by accidental means:

(1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;

(2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

(4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

(5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

(6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance;

(7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

(8) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or

(9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

(g) "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 121A.67 or 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by section 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child:

- (1) throwing, kicking, burning, biting, or cutting a child;
- (2) striking a child with a closed fist;
- (3) shaking a child under age three;
- (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;
- (5) unreasonable interference with a child's breathing;
- (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
- (7) striking a child under age one on the face or head;

(8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;

(9) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or

(10) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.

(h) "Report" means any report received by the local welfare agency, police department, county sheriff, or agency responsible for assessing or investigating maltreatment pursuant to this section.

(i) "Facility" means:

(1) a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B;

(2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and 124D.10; or

(3) a nonlicensed personal care provider organization as defined in sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

(j) "Operator" means an operator or agency as defined in section 245A.02.

(k) "Commissioner" means the commissioner of human services.

(l) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.

(m) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(n) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in paragraph (e), clause (1), who has:

(1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law of another jurisdiction;

(2) been found to be palpably unfit under section 260C.301, paragraph (b), clause (4), or a similar law of another jurisdiction;

(3) committed an act that has resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or

(4) committed an act that has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under section 260C.201, subdivision 11, paragraph (d), clause (1), or a similar law of another jurisdiction.

(o) Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices, which are not injurious to the child's health, welfare, and safety.

(p) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:

(1) is not likely to occur and could not have been prevented by exercise of due care; and

(2) if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.

Sec. 37. Minnesota Statutes 2008, section 626.556, subdivision 10e, is amended to read:

Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family assessment or the investigation within 45 days of the receipt of a report. The conclusion of the assessment or investigation may be extended to permit the completion of a criminal investigation or the receipt of expert information requested within 45 days of the receipt of the report.

(b) After conducting a family assessment, the local welfare agency shall determine whether services are needed to address the safety of the child and other family members and the risk of subsequent maltreatment.

(c) After conducting an investigation, the local welfare agency shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed.

(d) If the commissioner of education conducts an assessment or investigation, the commissioner shall determine whether maltreatment occurred and what corrective or protective action was taken by the school facility. If a determination is made that maltreatment has occurred, the commissioner shall report to the employer, the school board, and any appropriate licensing entity the determination that maltreatment occurred and what corrective or protective action was taken by the school facility. In all other cases, the commissioner shall inform the school board or employer that a report was received, the subject of the report, the date of the initial report, the category of maltreatment alleged as defined in paragraph (f), the fact that maltreatment was not determined, and a summary of the specific reasons for the determination.

(e) When maltreatment is determined in an investigation involving a facility, the investigating agency shall also determine whether the facility or individual was responsible, or whether both the facility and the individual were responsible for the maltreatment using the mitigating factors in paragraph (i). Determinations under this subdivision must be made based on a preponderance of the evidence and are private data on individuals or nonpublic data as maintained by the commissioner of education.

(f) For the purposes of this subdivision, "maltreatment" means any of the following acts or omissions:

(1) physical abuse as defined in subdivision 2, paragraph (g);

(2) neglect as defined in subdivision 2, paragraph (f);

(3) sexual abuse as defined in subdivision 2, paragraph (d);

(4) mental injury as defined in subdivision 2, paragraph (m); or

(5) maltreatment of a child in a facility as defined in subdivision 2, paragraph (i).

(g) For the purposes of this subdivision, a determination that child protective services are needed means that the local welfare agency has documented conditions during the assessment or investigation sufficient to cause a child protection worker, as defined in section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individuals responsible for the child's care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment.

(h) This subdivision does not mean that maltreatment has occurred solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, in lieu of medical care. However, if lack of medical care may result in serious danger to the child's health, the local welfare agency may ensure that necessary medical services are provided to the child.

(i) When determining whether the facility or individual is the responsible party, or whether both the facility and the individual are responsible for determined maltreatment in a facility, the investigating agency shall consider at least the following mitigating factors:

(1) whether the actions of the facility or the individual caregivers were according to, and followed the terms of, an erroneous physician order, prescription, individual care plan, or directive; however, this is not a mitigating factor when the facility or caregiver was responsible for the issuance of the erroneous order, prescription, individual care plan, or directive or knew or should have known of the errors and took no reasonable measures to correct the defect before administering care;

(2) comparative responsibility between the facility, other caregivers, and requirements placed upon an employee, including the facility's compliance with related regulatory standards and the adequacy of facility policies and procedures, facility training, an individual's participation in the training, the caregiver's supervision, and facility staffing levels and the scope of the individual employee's authority and discretion; and

(3) whether the facility or individual followed professional standards in exercising professional judgment.

(j) Notwithstanding paragraph (i), when maltreatment is determined to have been committed by an individual who is also the facility license holder, both the individual and the facility must be determined responsible for the maltreatment, and both the background study disqualification standards under section 245C.15, subdivision 4, and the licensing actions under sections 245A.06 or 245A.07 apply.

(k) Individual counties may implement more detailed definitions or criteria that indicate which allegations to investigate, as long as a county's policies are consistent with the definitions in the statutes and rules and are approved by the county board. Each local welfare agency shall periodically inform mandated reporters under subdivision 3 who work in the county of the definitions of maltreatment in the statutes and rules and any additional definitions or criteria that have been approved by the county board.

Sec. 38. Minnesota Statutes 2008, section 626.556, subdivision 10f, is amended to read:

Subd. 10f. **Notice of determinations.** Within ten working days of the conclusion of a family assessment, the local welfare agency shall notify the parent or guardian of the child of the need for services to address child safety concerns or significant risk of subsequent child maltreatment. The local welfare agency and the family may also jointly agree that family support and family preservation services are needed. Within ten working days of the conclusion of an investigation, the local welfare agency or agency responsible for assessing or investigating the report shall notify the parent or guardian of the child, the person determined to be maltreating the child, and if applicable, the director of the facility, of the determination and a summary of the specific reasons for the determination. When the investigation involves a child foster care setting that is monitored by a private licensing agency under section 245A.16, the local welfare agency responsible for assessing or investigating the report shall notify the private licensing agency of the determination and shall provide a summary of the specific reasons for the determination. The notice to the private licensing agency must include identifying private data, but not the identity of the reporter of maltreatment. The notice must also include a certification that the information collection procedures under subdivision 10, paragraphs (h), (i), and (j), were followed and a notice of the right of a data subject to obtain access to other private data on the subject collected, created, or maintained under this section. In addition, the notice shall include the length of time that the records will be kept under subdivision 11c. The investigating agency shall notify the parent or guardian of the child who is the subject of the report, and any person or facility determined to have maltreated a child, of their appeal or review rights under this section or section 256.022. The notice must also state that a finding of maltreatment may result in denial of a license application or background study disqualification under chapter 245C related to employment or services that are licensed by the Department of Human Services under chapter 245A, the Department of Health under chapter 144 or 144A, the Department of Corrections under section 241.021, and from providing services related to an unlicensed personal care provider organization under chapter 256B.

Sec. 39. Minnesota Statutes 2008, section 626.557, subdivision 9c, is amended to read:

Subd. 9c. **Lead agency; notifications, dispositions, determinations.** (a) Upon request of the reporter, the lead agency shall notify the reporter that it has received the report, and provide information on the initial disposition of the report within five business days of receipt of the report, provided that the notification will not endanger the vulnerable adult or hamper the investigation.

(b) Upon conclusion of every investigation it conducts, the lead agency shall make a final disposition as defined in section 626.5572, subdivision 8.

(c) When determining whether the facility or individual is the responsible party for substantiated maltreatment or whether both the facility and the individual are responsible for substantiated maltreatment, the lead agency shall consider at least the following mitigating factors:

(1) whether the actions of the facility or the individual caregivers were in accordance with, and followed the terms of, an erroneous physician order, prescription, resident care plan, or directive. This is not a mitigating factor when the facility or caregiver is responsible for the issuance of the erroneous order, prescription, plan, or directive or knows or should have known of the errors and took no reasonable measures to correct the defect before administering care;

(2) the comparative responsibility between the facility, other caregivers, and requirements placed upon the employee, including but not limited to, the facility's compliance with related regulatory standards and factors such as the adequacy of facility policies and procedures, the adequacy of facility training, the adequacy of an individual's participation in the training, the adequacy of caregiver supervision, the adequacy of facility staffing levels, and a consideration of the scope of the individual employee's authority; and

(3) whether the facility or individual followed professional standards in exercising professional judgment.

(d) When substantiated maltreatment is determined to have been committed by an individual who is also the facility license holder, both the individual and the facility must be determined responsible for the maltreatment, and both the background study disqualification standards under section 245C.15, subdivision 4, and the licensing actions under section 245A.06 or 245A.06 apply.

(e) The lead agency shall complete its final disposition within 60 calendar days. If the lead agency is unable to complete its final disposition within 60 calendar days, the lead agency shall notify the following persons provided that the notification will not endanger the vulnerable adult or hamper the investigation: (1) the vulnerable adult or the vulnerable adult's legal guardian, when known, if the lead agency knows them to be aware of the investigation; and (2) the facility, where applicable. The notice shall contain the reason for the delay and the projected completion date. If the lead agency is unable to complete its final disposition by a subsequent projected completion date, the lead agency shall again notify the vulnerable adult or the vulnerable adult's legal guardian, when known if the lead agency knows them to be aware of the investigation, and the facility, where applicable, of the reason for the delay and the revised projected completion date provided that the notification will not endanger the vulnerable adult or hamper the investigation. A lead agency's inability to complete the final disposition within 60 calendar days or by any projected completion date does not invalidate the final disposition.

~~(e)~~ (f) Within ten calendar days of completing the final disposition, the lead agency shall provide a copy of the public investigation memorandum under subdivision 12b, paragraph (b), clause (1), when required to be completed under this section, to the following persons: (1) the vulnerable adult, or the vulnerable adult's legal guardian, if known unless the lead agency knows that the notification would endanger the well-being of the vulnerable adult; (2) the reporter, if the reporter requested notification when making the report, provided this notification would not endanger the well-being of the vulnerable adult; (3) the alleged perpetrator, if known; (4) the facility; and (5) the ombudsman for long-term care, or the ombudsman for mental health and developmental disabilities, as appropriate.

~~(f)~~ (g) The lead agency shall notify the vulnerable adult who is the subject of the report or the vulnerable adult's legal guardian, if known, and any person or facility determined to have maltreated a vulnerable adult, of their appeal or review rights under this section or section 256.021.

~~(g)~~ (h) The lead agency shall routinely provide investigation memoranda for substantiated reports to the appropriate licensing boards. These reports must include the names of substantiated perpetrators. The lead agency may not provide investigative memoranda for inconclusive or false reports to the appropriate licensing boards unless the lead agency's investigation gives reason to believe that there may have been a violation of the applicable professional practice laws. If the investigation memorandum is provided to a licensing board, the subject of the investigation memorandum shall be notified and receive a summary of the investigative findings.

~~(h)~~ (i) In order to avoid duplication, licensing boards shall consider the findings of the lead agency in their investigations if they choose to investigate. This does not preclude licensing boards from considering other information.

~~(i)~~ (j) The lead agency must provide to the commissioner of human services its final dispositions, including the names of all substantiated perpetrators. The commissioner of human services shall establish records to retain the names of substantiated perpetrators.

Sec. 40. Minnesota Statutes 2008, section 626.557, subdivision 12b, is amended to read:

Subd. 12b. **Data management.** (a) In performing any of the duties of this section as a lead agency, the county social service agency shall maintain appropriate records. Data collected by the county social service agency under this section are welfare data under section 13.46. Notwithstanding section 13.46, subdivision 1, paragraph (a), data under this paragraph that are inactive investigative data on an individual who is a vendor of services are private data on individuals, as defined in section 13.02. The identity of the reporter may only be disclosed as provided in paragraph (c).

Data maintained by the common entry point are confidential data on individuals or protected nonpublic data as defined in section 13.02. Notwithstanding section 138.163, the common entry point shall destroy data three calendar years after date of receipt.

(b) The commissioners of health and human services shall prepare an investigation memorandum for each report alleging maltreatment investigated under this section. County social service agencies must maintain private data on individuals but are not required to prepare an investigation memorandum. During an investigation by the commissioner of health or the commissioner of human services, data collected under this section are confidential data on individuals or protected nonpublic data as defined in section 13.02. Upon completion of the investigation, the data are classified as provided in clauses (1) to (3) and paragraph (c).

(1) The investigation memorandum must contain the following data, which are public:

- (i) the name of the facility investigated;
- (ii) a statement of the nature of the alleged maltreatment;
- (iii) pertinent information obtained from medical or other records reviewed;
- (iv) the identity of the investigator;
- (v) a summary of the investigation's findings;

(vi) statement of whether the report was found to be substantiated, inconclusive, false, or that no determination will be made;

(vii) a statement of any action taken by the facility;

(viii) a statement of any action taken by the lead agency; and

(ix) when a lead agency's determination has substantiated maltreatment, a statement of whether an individual, individuals, or a facility were responsible for the substantiated maltreatment, if known.

The investigation memorandum must be written in a manner which protects the identity of the reporter and of the vulnerable adult and may not contain the names or, to the extent possible, data on individuals or private data listed in clause (2).

(2) Data on individuals collected and maintained in the investigation memorandum are private data, including:

(i) the name of the vulnerable adult;

(ii) the identity of the individual alleged to be the perpetrator;

(iii) the identity of the individual substantiated as the perpetrator; and

(iv) the identity of all individuals interviewed as part of the investigation.

(3) Other data on individuals maintained as part of an investigation under this section are private data on individuals upon completion of the investigation.

(c) After the assessment or investigation is completed, the name of the reporter must be confidential. The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by a court that the report was false and there is evidence that the report was made in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the Rules of Criminal Procedure, except that where the identity of the reporter is relevant to a criminal prosecution, the district court shall do an in-camera review prior to determining whether to order disclosure of the identity of the reporter.

(d) Notwithstanding section 138.163, data maintained under this section by the commissioners of health and human services must be destroyed under the following schedule:

(1) data from reports determined to be false, two years after the finding was made;

(2) data from reports determined to be inconclusive, four years after the finding was made;

(3) data from reports determined to be substantiated, seven years after the finding was made; and

(4) data from reports which were not investigated by a lead agency and for which there is no final disposition, two years from the date of the report.

(e) The commissioners of health and human services shall each annually report to the legislature and the governor on the number and type of reports of alleged maltreatment involving licensed facilities reported under this section, the number of those requiring investigation under this section, and the resolution of those investigations. The report shall identify:

- (1) whether and where backlogs of cases result in a failure to conform with statutory time frames;
- (2) where adequate coverage requires additional appropriations and staffing; and
- (3) any other trends that affect the safety of vulnerable adults.
- (f) Each lead agency must have a record retention policy.

(g) Lead agencies, prosecuting authorities, and law enforcement agencies may exchange not public data, as defined in section 13.02, if the agency or authority requesting the data determines that the data are pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation under this section. Data collected under this section must be made available to prosecuting authorities and law enforcement officials, local county agencies, and licensing agencies investigating the alleged maltreatment under this section. The lead agency shall exchange not public data with the vulnerable adult maltreatment review panel established in section 256.021 if the data are pertinent and necessary for a review requested under that section. Upon completion of the review, not public data received by the review panel must be returned to the lead agency.

(h) Each lead agency shall keep records of the length of time it takes to complete its investigations.

(i) A lead agency may notify other affected parties and their authorized representative if the agency has reason to believe maltreatment has occurred and determines the information will safeguard the well-being of the affected parties or dispel widespread rumor or unrest in the affected facility.

(j) Under any notification provision of this section, where federal law specifically prohibits the disclosure of patient identifying information, a lead agency may not provide any notice unless the vulnerable adult has consented to disclosure in a manner which conforms to federal requirements.

Sec. 41. Minnesota Statutes 2008, section 626.5572, subdivision 13, is amended to read:

Subd. 13. **Lead agency.** "Lead agency" is the primary administrative agency responsible for investigating reports made under section 626.557.

(a) The Department of Health is the lead agency for the facilities which are licensed or are required to be licensed as hospitals, home care providers, nursing homes, residential care homes, ~~or~~ boarding care homes, or residential facilities that are also federally certified as intermediate care facilities that serve people with developmental disabilities.

(b) The Department of Human Services is the lead agency for the programs licensed or required to be licensed as adult day care, adult foster care, programs for people with developmental disabilities, mental health programs, or chemical health programs, ~~or personal care provider organizations.~~

(c) The county social service agency or its designee is the lead agency for all other reports.

Sec. 42. **REVISOR'S INSTRUCTION.**

In Minnesota Statutes, the revisor of statutes shall correct the internal cross-reference to "section 245C.03, subdivision 1, clauses (3) and (4)" in section 245C.03, subdivision 4, by inserting "paragraph (a)," after "subdivision 1,". The revisor of statutes shall correct the internal cross-reference to "section 245C.03, subdivision 1, clauses (2), (5), and (6)" in section 245C.14, subdivision 2, by inserting "paragraph (a)," after "subdivision 1,".

Sec. 43. **REPEALER.**

Minnesota Statutes 2008, section 245C.10, subdivision 1, is repealed."

Delete the title and insert:

"A bill for an act relating to human services; making changes to data practices and licensing provisions; modifying license disqualifications and background study requirements; making other changes to programs and services licensed by the Department of Human Services; amending Minnesota Statutes 2008, sections 13.46, subdivisions 3, 4; 157.16, by adding a subdivision; 245.4871, subdivision 10; 245A.03, subdivision 2; 245A.04, subdivisions 5, 7; 245A.05; 245A.07, subdivisions 1, 3; 245A.11, by adding a subdivision; 245A.1435; 245A.144; 245A.1444; 245A.16, subdivision 1; 245A.40, subdivision 5; 245A.50, subdivision 5; 245C.03, subdivision 1; 245C.04, subdivision 1; 245C.07; 245C.08; 245C.13, subdivision 2; 245C.15, subdivisions 1, 2, 3, 4; 245C.22, subdivision 7; 245C.24, subdivisions 2, 3; 245C.25; 245C.27, subdivision 1; 256.045, subdivisions 3, 3b; 256B.0943, subdivisions 4, 6, 9; 626.556, subdivisions 2, 10e, 10f; 626.557, subdivisions 9c, 12b; 626.5572, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 2008, section 245C.10, subdivision 1."

With the recommendation that when so amended the bill pass and be re-referred to the Early Childhood Finance and Policy Division.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 1797, A bill for an act relating to transportation; providing for receipt and appropriation of federal economic recovery funds; amending Minnesota Statutes 2008, section 161.36, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 9, after "under" insert "title XII of" and after "2009" insert ", Public Law 111-5,"

Page 1, line 18, delete "the American Recovery and Reinvestment Act of 2009" and insert "title XII of the act"

Page 1, delete line 24 and insert "act."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

S. F. No. 236, A bill for an act relating to state government; designating March 25 as Medal of Honor Day; proposing coding for new law in Minnesota Statutes, chapter 10.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 176, 353, 376, 665, 705, 842, 924, 1149, 1400 and 1619 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 236 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Obermueller and Newton introduced:

H. F. No. 1960, A bill for an act relating to powers of attorney; creating an alternative statutory short form for military members who are in active service; amending Minnesota Statutes 2008, sections 523.02; 523.131; 523.16; 523.20; 523.21; 523.23, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 523.

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

Lillie introduced:

H. F. No. 1961, A bill for an act relating to courts; authorizing media coverage in trial court proceedings; proposing coding for new law in Minnesota Statutes, chapter 480.

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

Kohls introduced:

H. F. No. 1962, A bill for an act relating to corrections; allowing the parents of juvenile petty offenders be ordered probation supervisory duties; changing children's mental health screening duties; amending Minnesota Statutes 2008, section 260B.235, subdivisions 4, 6.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Winkler and Ward introduced:

H. F. No. 1963, A bill for an act relating to employment; providing new requirements for employers in the early warning system; applying new penalties for any employer failing to comply with the Worker Adjustment and Retraining Notification Act, United States Code, title 29, section 2101; enhancing oversight authority to the commissioner of employment and economic development; amending Minnesota Statutes 2008, sections 116J.035, by adding subdivisions; 116L.976, subdivision 1, by adding a subdivision; repealing Minnesota Statutes 2008, section 181.74, subdivision 1.

The bill was read for the first time and referred to the Higher Education and Workforce Development Finance and Policy Division.

Faust and Greiling introduced:

H. F. No. 1964, A bill for an act relating to education; integrating alternative, early intervention services programs into the Q-Comp and staff development programs; amending Minnesota Statutes 2008, sections 122A.413, subdivision 2; 122A.414, subdivision 2; 122A.60, subdivisions 1a, 3; 122A.61, subdivision 1.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Buesgens introduced:

H. F. No. 1965, A bill for an act relating to local government; allowing county governments to opt out of state mandates; proposing coding for new law as Minnesota Statutes, chapter 471B.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Sterner introduced:

H. F. No. 1966, A bill for an act relating to veterans; waiving certain application fees for persons serving in active service or retired from active service; proposing coding for new law in Minnesota Statutes, chapter 197.

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

Haws, Urdahl, Persell, Howes, Ward, Juhnke, Gottwalt, Brown, Severson and Kalin introduced:

H. F. No. 1967, A bill for an act relating to natural resources; establishing parks and trails legacy grant program; providing appointments; amending Minnesota Statutes 2008, section 85.53.

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

Gottwalt, Scott, Seifert and Shimanski introduced:

H. F. No. 1968, A bill for an act relating to state government; modifying public employee annual salaries that exceed \$100,000 during the biennium ending June 30, 2011.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Bunn introduced:

H. F. No. 1969, A bill for an act relating to transportation; prohibiting certain trucks on Stillwater Lift Bridge; requiring commissioner of transportation to enter into agreement with state of Wisconsin or close the Stillwater Lift Bridge.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Solberg and Dill introduced:

H. F. No. 1970, A bill for an act relating to natural resources; requiring ordinances for the operation of certain motorized vehicles; amending Minnesota Statutes 2008, section 169.045, subdivision 1.

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

Abeler and Newton introduced:

H. F. No. 1971, A bill for an act relating to taxation; tax increment financing; allowing the city of Anoka to establish districts under special rules.

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

Juhnke introduced:

H. F. No. 1972, A bill for an act relating to natural resources; modifying horse trail pass requirements; amending Minnesota Statutes 2008, section 85.46, subdivisions 1, 3, 4, 7.

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

Wagenius, Morrow, Koenen and Brynaert introduced:

H. F. No. 1973, A bill for an act relating to waters; appropriating money for a biological assessment of the lower Minnesota River.

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

Marquart introduced:

H. F. No. 1974, A bill for an act relating to taxation; providing an income tax credit for expenditures for historic structure rehabilitation; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Marquart introduced:

H. F. No. 1975, A bill for an act relating to taxation; property; senior citizen property tax deferral program; amending Minnesota Statutes 2008, sections 290B.03, subdivision 1; 290B.04, subdivisions 3, 4; 290B.05, subdivision 1; 290B.07.

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

Koenen introduced:

H. F. No. 1976, A bill for an act relating to taxation; abolishing levy limits; amending Minnesota Statutes 2008, sections 275.065, subdivision 3; 275.16; 275.62, subdivision 1; 473.167, subdivision 3; 473.249, subdivision 1; 473.253, subdivision 1; repealing Minnesota Statutes 2008, sections 275.70; 275.71, subdivisions 1, 2, 4, 5, 6; 275.72; 275.73; 275.74; 275.75.

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

Mullery introduced:

H. F. No. 1977, A bill for an act relating to state government; enacting provisions relating to state agency hiring and contracting under the American Recovery and Reinvestment Act of 2009; requiring a report.

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

Obermueller and Masin introduced:

H. F. No. 1978, A bill for an act relating to state lands; authorizing land acquired by the city of Eagan and subject to reversion to state to be used for a colocation facility; amending Laws 1995, chapter 159, sections 1, as amended; 2.

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

Morgan and Westrom introduced:

H. F. No. 1979, A bill for an act relating to taxation; sales and use; providing a sales tax exemption for energy-efficient equipment for restaurants; amending Minnesota Statutes 2008, section 297A.68, subdivision 5.

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

Davnie introduced:

H. F. No. 1980, A bill for an act relating to taxation; sales and use; taxing digital products; amending Minnesota Statutes 2008, section 297A.61, subdivision 3, by adding subdivisions; repealing Minnesota Statutes 2008, section 297A.61, subdivision 45.

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

Kahn introduced:

H. F. No. 1981, A bill for an act relating to state government; creating the Minnesota Geospatial Information Office; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2008, section 4A.05.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Anzels introduced:

H. F. No. 1982, A bill for an act relating to natural resources; requiring a carbon sequestration forestry report.

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

Kahn introduced:

H. F. No. 1983, A bill for an act relating to retirement; Minneapolis Firefighters Relief Association; modifying the number of member representatives on the relief association board of trustees; amending Minnesota Statutes 2008, section 423C.03, subdivision 1.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Stern, Morgan, Mack, McNamara, Lillie, Hoppe, Obermueller and Hausman introduced:

H. F. No. 1984, A bill for an act relating to appropriations; appropriating money for capital improvements at the Minnesota Zoo.

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

Dean introduced:

H. F. No. 1985, A bill for an act proposing an amendment to the Minnesota Constitution, article XIV, section 8; allowing municipal state-aid street fund to be distributed to cities with a population under 5,000; making conforming changes; amending Minnesota Statutes 2008, sections 160.02, subdivision 21; 162.13; 162.14, subdivision 1.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Peterson and Carlson introduced:

H. F. No. 1986, A bill for an act relating to health and human services; changing registration and licensing provisions for housing with service establishments and entities under the Human Services Licensing Act; amending Minnesota Statutes 2008, sections 144D.03, subdivision 1, by adding a subdivision; 245A.04, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Hortman introduced:

H. F. No. 1987, A bill for an act relating to homebuyer savings plans; establishing a homebuyer savings plan trust; providing income and franchise tax deductions; amending Minnesota Statutes 2008, section 290.01, subdivisions 19a, 19b, 19d; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

Murphy, E.; Bunn; Loeffler; Liebling; Ruud and Dean introduced:

H. F. No. 1988, A bill for an act relating to human services; requiring the commissioner of human services to collect and report information on managed care plan and county-based purchasing plan provider reimbursement rates; requiring a report; amending Minnesota Statutes 2008, section 256B.69, subdivision 9b.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Hayden, Champion and Kahn introduced:

H. F. No. 1989, A bill for an act relating to housing; adjusting deed tax percentage; providing rental housing assistance; establishing a housing account for leverage opportunity; appropriating money; amending Minnesota Statutes 2008, sections 287.21, subdivision 1; 462A.201, by adding a subdivision; 462A.33, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Murphy, E., and Huntley introduced:

H. F. No. 1990, A bill for an act relating to health; establishing a surcharge for certified birth records; appropriating funds to the commissioner of health; amending Minnesota Statutes 2008, section 144.226, subdivision 3.

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

Scalze and Wagenius introduced:

H. F. No. 1991, A bill for an act relating to environment; prohibiting the use of coal tar; requiring notification and planning; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Johnson introduced:

H. F. No. 1992, A bill for an act relating to energy; establishing a working group; requiring a report; appropriating money.

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

Clark introduced:

H. F. No. 1993, A bill for an act relating to public health; prohibiting the installation of utility poles treated with or containing pentachlorophenol in Minneapolis; proposing coding for new law in Minnesota Statutes, chapter 216B.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Seifert introduced:

H. F. No. 1994, A bill for an act relating to wells; permitting drilling for and installation of a vertical direct exchange system; proposing coding for new law in Minnesota Statutes, chapter 103I.

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

Sterner introduced:

H. F. No. 1995, A bill for an act relating to public safety; driving while impaired; reducing from .04 to .03 the per se alcohol concentration limit for commercial driving; amending Minnesota Statutes 2008, sections 169A.20, subdivision 1; 169A.52, subdivisions 2, 4, 7; 169A.53, subdivision 3.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Sterner introduced:

H. F. No. 1996, A bill for an act relating to veterans; requiring provision of alcohol and chemical dependency counseling services to recently discharged veterans; proposing coding for new law in Minnesota Statutes, chapter 197.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Abeler and Huntley introduced:

H. F. No. 1997, A bill for an act relating to human services; providing for county mandate relief; making changes to children's mental health, general assistance medical care, family services collaboratives, MFIP, and county funeral expenses; amending Minnesota Statutes 2008, sections 245.4932, subdivision 1; 256D.051, subdivision 1a; 256F.13, subdivisions 1, 2; 256J.40; 256J.46, subdivisions 1, 2; 256J.57, subdivision 2; 256J.575, subdivisions 5, 7; 261.035; repealing Minnesota Statutes 2008, sections 245.492, subdivision 2; 256F.10, subdivision 7.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Paymar, Bly, Greiling, Ward, Hausman and Hornstein introduced:

H. F. No. 1998, A bill for an act relating to taxation; individual income; increasing the tax rates; amending Minnesota Statutes 2008, section 290.06, subdivisions 2c, 2d.

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

Haws, Loeffler, Lillie, Urdahl and Eken introduced:

H. F. No. 1999, A bill for an act relating to libraries; adjusting regional public library system maintenance of effort provisions; amending Minnesota Statutes 2008, section 134.34, subdivisions 1, 4.

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

Cornish introduced:

H. F. No. 2000, A bill for an act relating to public safety; changing discharge of firearm reporting; amending Minnesota Statutes 2008, section 626.553, subdivision 2.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Olin introduced:

H. F. No. 2001, A bill for an act relating to taxation; modifying the state-paid property tax credit for property in bovine tuberculosis management zones; amending Minnesota Statutes 2008, section 273.113, subdivisions 1, 2.

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

Dean introduced:

H. F. No. 2002, A bill for an act relating to human services; direction to commissioner regarding billing and collections for general assistance medical care, medical assistance, and MinnesotaCare.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Morrow and Haws introduced:

H. F. No. 2003, A bill for an act relating to transportation; amending schedule of state payments for operating assistance to greater Minnesota transit providers; amending Minnesota Statutes 2008, section 174.24, subdivision 5.

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

Hortman introduced:

H. F. No. 2004, A bill for an act relating to natural resources; appropriating money for a bicycle and pedestrian trail grant.

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

Kelly introduced:

H. F. No. 2005, A bill for an act relating to capital improvements; appropriating money for land acquisition by Southeast Technical College, Red Wing; authorizing the sale and issuance of state bonds.

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

Champion introduced:

H. F. No. 2006, A bill for an act relating to highway construction; requiring road authorities to mitigate construction impacts on small businesses; creating construction mitigation grant program; appropriating money; amending Minnesota Statutes 2008, section 160.16, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 116J; 161.

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

Sailer, Bly, Lanning and Clark introduced:

H. F. No. 2007, A bill for an act relating to housing; appropriating money for capacity building grants.

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

Persell, Solberg and Howes introduced:

H. F. No. 2008, A bill for an act relating to education finance; adding a pupil miles transported component to the general education revenue formula; amending Minnesota Statutes 2008, section 126C.10, subdivisions 1, 18, by adding a subdivision.

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

Laine, Hayden, Bly and Rosenthal introduced:

H. F. No. 2009, A bill for an act relating to human services; appropriating money for emergency services grants and transitional housing.

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

Dettmer introduced:

H. F. No. 2010, A bill for an act relating to waters; requiring watershed districts to submit information to counties; requiring county approval of levies and fees; amending Minnesota Statutes 2008, sections 103D.351; 103D.911, subdivision 2; 103D.915, subdivision 1.

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

Magnus introduced:

H. F. No. 2011, A bill for an act relating to taxation; aggregate production taxes; decreasing the production tax rate; amending Minnesota Statutes 2008, section 298.75, subdivision 2.

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

Brown and Poppe introduced:

H. F. No. 2012, A bill for an act relating to natural resources; appropriating money for the Shooting Star Trail.

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

Drazkowski introduced:

H. F. No. 2013, A bill for an act relating to joint physical custody; establishing a rebuttable presumption; amending Minnesota Statutes 2008, section 518.003, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 2008, section 518.17, subdivision 2.

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

Juhnke introduced:

H. F. No. 2014, A bill for an act relating to state government; appropriating money from the clean water fund for clean water legacy and drinking water protection activities; providing for a report on a star farms proposal.

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

Dettmer introduced:

H. F. No. 2015, A bill for an act relating to taxation; property; extending limited market value; amending Minnesota Statutes 2008, section 273.11, subdivision 1a.

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

Buesgens introduced:

H. F. No. 2016, A bill for an act relating to metropolitan government; excepting Anoka and Washington Counties from certain land use plan requirements; amending Minnesota Statutes 2008, section 473.862, subdivision 1.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Winkler introduced:

H. F. No. 2017, A bill for an act relating to education; maintaining programs, services, and current funding level for the Perpich Center for Arts Education; creating a moratorium on new educational arts centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129C.

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

Falk introduced:

H. F. No. 2018, A bill for an act relating to energy; providing for intervenor compensation in certificate of need proceeding; amending Minnesota Statutes 2008, section 216B.243, by adding a subdivision.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Falk introduced:

H. F. No. 2019, A bill for an act relating to energy; increasing the capacity of wind energy conversion systems over which counties have authority to issue site permits; amending Minnesota Statutes 2008, sections 216F.01, subdivisions 2, 3; 216F.02; 216F.08.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Marquart and Lenczewski introduced:

H. F. No. 2020, A bill for an act relating to taxation; allowing county local sales taxes, eliminating certain existing local sales taxes; adjusting county program aid; modifying levy limits; amending Minnesota Statutes 2008, sections 275.70, subdivision 3; 275.71, subdivisions 2, 4, 5; 297A.99, subdivision 1; 477A.0124, by adding a subdivision; 477A.03, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 2008, section 477A.0124, subdivisions 3, 4, 5; Laws 2008, chapter 366, article 7, section 18.

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

Falk and Solberg introduced:

H. F. No. 2021, A bill for an act relating to taxation; providing a tax credit for certain residential solar energy system installations; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Bigham introduced:

H. F. No. 2022, A bill for an act relating to public safety; including registered housing with services establishments in definition of health care facility for registration of predatory offenders; amending Minnesota Statutes 2008, section 243.166, subdivision 4b.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Newton, Abeler and Lesch introduced:

H. F. No. 2023, A bill for an act relating to civil actions; regulating medical liability actions; providing for the inadmissibility of certain health care provider statements, gestures, and conduct; proposing coding for new law in Minnesota Statutes, chapter 604.

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

Sertich introduced:

H. F. No. 2024, A bill for an act relating to capital improvement; authorizing the sale and issuance of state bonds; appropriating money for a grant to the Hibbing Public Utilities Commission for a well.

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

Sertich introduced:

H. F. No. 2025, A bill for an act relating to capital improvements; appropriating money for a grant to the city of Hibbing for street and storm sewer reconstruction; authorizing the sale and issuance of state bonds.

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

Solberg, by request, introduced:

H. F. No. 2026, A bill for an act relating to public safety; providing for a conditional partial pardon of a person's criminal conviction upon successful completion of the challenge incarceration program; proposing coding for new law in Minnesota Statutes, chapter 638.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Johnson introduced:

H. F. No. 2027, A bill for an act relating to public safety; authorizing probation officers and pretrial release agents to conduct searches of persons on probation or pretrial release; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Slawik and Peterson introduced:

H. F. No. 2028, A bill for an act relating to education; requiring the Departments of Human Services, Health, and Education to create an inventory of early childhood services; proposing coding for new law in Minnesota Statutes, chapter 119B.

The bill was read for the first time and referred to the Early Childhood Finance and Policy Division.

Davnie introduced:

H. F. No. 2029, A bill for an act relating to commerce; regulating consumer small loan lenders and residential mortgage originators and servicers; providing for the calculation of reserves and nonforfeiture values of preneed funeral insurance contracts; revising annual audit requirements for insurers; regulating life and health guaranty association notices; regulating the powers of, and surplus requests for, township mutuals; imposing penalties; amending Minnesota Statutes 2008, sections 47.58, subdivision 1; 47.60, subdivisions 1, 3, 6; 58.05, subdivision 3; 58.06, subdivision 2; 58.13, subdivision 1; 60A.124; 60B.03, subdivision 15; 60L.02, subdivision 3; 61B.28,

subdivisions 7, 8; 67A.01; 67A.06; 67A.07; 67A.14, subdivisions 1, 7; 67A.18, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 60A; 61A; 67A; repealing Minnesota Statutes 2008, sections 60A.129; 67A.14, subdivision 5; 67A.17; 67A.19; Minnesota Rules, parts 2675.2180; 2675.7100; 2675.7110; 2675.7120; 2675.7130; 2675.7140.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Loeffler, Loon and Carlson introduced:

H. F. No. 2030, A bill for an act relating to libraries; modifying the maintenance of effort requirement for the Hennepin County library system; amending Minnesota Statutes 2008, section 383B.247.

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

Hornstein introduced:

H. F. No. 2031, A bill for an act relating to state government; prohibiting the state from purchasing products from Jennie-O Turkey Store or its subsidiaries until a certain date.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Westrom and Gottwalt introduced:

H. F. No. 2032, A bill for an act relating to public safety; requiring the governor and commissioner of corrections to send foreign inmates back to their own country; amending Minnesota Statutes 2008, section 243.515.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Faust and Greiling introduced:

H. F. No. 2033, A bill for an act relating to education; appropriating money for research-based professional development that includes "response to intervention" problem solving.

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

Brown, Rukavina and Otremba introduced:

H. F. No. 2034, A bill for an act relating to gambling; lawful gambling; authorizing the board to adopt rules for electronic pull-tab games; amending Minnesota Statutes 2008, sections 349.12, by adding subdivisions; 349.151, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Swails introduced:

H. F. No. 2035, A bill for an act relating to education; clarifying aspects of programs for gifted and talented students; amending Minnesota Statutes 2008, section 120B.15.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Gottwalt, Huntley, Loeffler, Gunther, Abeler and Gardner introduced:

H. F. No. 2036, A bill for an act relating to health; requiring the commissioner of health to convene an Alzheimer's disease working group; requiring a report.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Solberg introduced:

H. F. No. 2037, A bill for an act relating to state government; moving appropriations of general fund dedicated revenues to other funds; amending Minnesota Statutes 2008, sections 8.15, subdivision 3; 13.03, subdivision 10; 16C.23, subdivision 6; 103B.101, subdivision 9; 116J.551, subdivision 1; 190.32; 260C.331, subdivision 6; 270.97; 299C.48; 299E.02; 446A.086, subdivision 2; 469.177, subdivision 11; 611.20, subdivision 3; Laws 1994, chapter 531, section 1.

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

Solberg introduced:

H. F. No. 2038, A bill for an act relating to the budget reserve; modifying priorities for additional revenues in general fund forecasts; requiring a report; appropriating money; amending Minnesota Statutes 2008, sections 4A.01; 16A.103, subdivisions 1a, 1b, by adding a subdivision; 16A.11, subdivision 1, by adding a subdivision; 16A.152, subdivision 2, by adding a subdivision.

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

Jackson introduced:

H. F. No. 2039, A bill for an act relating to natural resources; allowing up to 20 percent of minnows imported for aquatic farms to be sold as bait; amending Minnesota Statutes 2008, section 97C.515, subdivision 4.

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

Urdahl and Sanders introduced:

H. F. No. 2040, A bill for an act relating to unemployment insurance; providing for a shared work plan; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2008, section 268.135.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Sterner introduced:

H. F. No. 2041, A bill for an act relating to public safety; impaired driving; providing for probation violation for any impaired driving offender driving with any presence of alcohol during the period of probation; proposing coding for new law in Minnesota Statutes, chapter 169A.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Sterner introduced:

H. F. No. 2042, A bill for an act relating to veterans; requiring provision of financial counseling services to recently discharged veterans; proposing coding for new law in Minnesota Statutes, chapter 197.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Sterner introduced:

H. F. No. 2043, A bill for an act relating to motor vehicles; creating special Gold Star Family license plates for family members of military personnel who have died in active military service; exempting plate fee and registration tax for certain survivors; proposing coding for new law in Minnesota Statutes, chapter 168.

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

Sterner introduced:

H. F. No. 2044, A bill for an act relating to the military; requiring provision of mental health counseling services to recently deployed service members; proposing coding for new law in Minnesota Statutes, chapter 192.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Winkler introduced:

H. F. No. 2045, A bill for an act relating to public safety; providing for specialized emergency response teams to supplement resources responding to catastrophe; amending Minnesota Statutes 2008, section 12.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 12.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Laine introduced:

H. F. No. 2046, A bill for an act relating to health; permitting smoking of certain types of tobacco in limited places; amending Minnesota Statutes 2008, section 144.4167, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Drazkowski introduced:

H. F. No. 2047, A bill for an act relating to water quality; appropriating money for a grant to Minneola Township for water quality and flood control structures.

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

Thao introduced:

H. F. No. 2048, A bill for an act relating to human services; requiring the use of a broker to coordinate and manage oral language health care interpreter services; setting payment rates for interpreter services; amending Minnesota Statutes 2008, section 256B.0625, subdivision 18a.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Wagenius and Carlson introduced:

H. F. No. 2049, A bill for an act relating to state government; appropriating money for environment and natural resources.

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

Rukavina and Sertich introduced:

H. F. No. 2050, A bill for an act relating to capital improvements; appropriating money for water and sewer infrastructure improvements in the city of Eveleth; authorizing the sale and issuance of state bonds.

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

Newton and Brown introduced:

H. F. No. 2051, A bill for an act relating to education; modifying integration revenue provisions; amending Minnesota Statutes 2008, sections 124D.86; 124D.896.

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

Simon, Eken, Reinert, Masin, Hayden, Hornstein, Davnie, Hilty, Kahn, Paymar and Clark introduced:

H. F. No. 2052, A bill for an act relating to elections; establishing procedures for home rule charter jurisdictions that adopt ranked-choice voting; amending Minnesota Statutes 2008, sections 205.13, subdivision 2; 206.83; 206.89, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapter 206; proposing coding for new law as Minnesota Statutes, chapter 204E.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

McFarlane introduced:

H. F. No. 2053, A bill for an act relating to libraries; modifying regional library basic system support grants; amending Minnesota Statutes 2008, section 134.34, subdivision 4.

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

Slawik and Lillie introduced:

H. F. No. 2054, A bill for an act relating to natural resources; appropriating money for land acquisition in Ramsey County.

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

Slawik and Lillie introduced:

H. F. No. 2055, A bill for an act relating to natural resources; appropriating money for land acquisition in Ramsey County.

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

Mullery introduced:

H. F. No. 2056, A bill for an act relating to taxation; individual income; providing a refundable credit for victims of sexual assault; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Beard introduced:

H. F. No. 2057, A bill for an act relating to economic development; promoting a science and technology initiative; creating a commission; establishing a center; creating economic development grant programs; defining terms; requiring reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 2008, section 116J.657.

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

Sterner introduced:

H. F. No. 2058, A bill for an act relating to construction codes; requiring automatic external defibrillators in certain structures; amending Minnesota Statutes 2008, section 326B.106, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Sterner introduced:

H. F. No. 2059, A bill for an act relating to the military; providing unpaid leave of absence from employment for an immediate family member of a person ordered into active military service during a time of war or other national emergency; amending Minnesota Statutes 2008, section 181.948, subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Sterner, Dittrich and Davids introduced:

H. F. No. 2060, A bill for an act relating to commerce; regulating public adjusters; modifying the notice of cancellation and prohibited practices; regulating insurance claims for residential roofing goods and services; amending Minnesota Statutes 2008, section 72B.135, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Hilstrom introduced:

H. F. No. 2061, A bill for an act relating to education finance; authorizing a community schools grant to Independent School District No. 286, Brooklyn Center; appropriating money.

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

Lanning, Otremba and Nornes introduced:

H. F. No. 2062, A bill for an act relating to poverty; establishing the Ladder Out of Poverty Task Force; providing for its membership and duties; providing legislative appointments.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Hilstrom introduced:

H. F. No. 2063, A bill for an act relating to public safety; requiring the commissioner of public safety to present performance measures to the legislature; amending Minnesota Statutes 2008, section 299A.01, subdivision 1a, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Hilstrom introduced:

H. F. No. 2064, A resolution memorializing the members of the Minnesota Congressional delegation to sponsor and support the Main Street Fairness Act.

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

Hilstrom introduced:

H. F. No. 2065, A bill for an act relating to corrections; requiring the commissioner of corrections to present performance measures to the legislature; amending Minnesota Statutes 2008, section 241.016, subdivision 1.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Mack and Sterner introduced:

H. F. No. 2066, A bill for an act relating to waters; appropriating money for water quality at the Minnesota Zoo.

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

Mullery introduced:

H. F. No. 2067, A bill for an act relating to taxation; allowing a credit for employers who employ qualified ex-felons; amending Minnesota Statutes 2008, section 290.06, by adding a subdivision.

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

Kohls and Hoppe introduced:

H. F. No. 2068, A bill for an act relating to natural resources; adding game abandoned at game processing facilities to the definition of wanton waste; amending Minnesota Statutes 2008, section 97A.031.

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

Liebling, Thissen and Abeler introduced:

H. F. No. 2069, A bill for an act relating to human services; creating chemical health pilot projects; requiring reports.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Mullery, Clark, Lesch and Nelson introduced:

H. F. No. 2070, A bill for an act relating to economic development and housing; modifying the targeted neighborhood revitalization program; creating a revolving fund; appropriating money; amending Minnesota Statutes 2008, sections 469.201, subdivisions 2, 4, 6, 7, 10, 11, 12; 469.202; 469.203, subdivisions 1, 2, 4; 469.204, subdivision 1, by adding a subdivision; 469.205; 469.207, subdivision 2; repealing Minnesota Statutes 2008, sections 469.203, subdivision 3; 469.204, subdivisions 2, 3.

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

Clark introduced:

H. F. No. 2071, A bill for an act relating to youth training; providing for summer programming for American Indian youth; appropriating money.

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

Greiling introduced:

H. F. No. 2072, A bill for an act relating to education finance; updating a reference; amending Minnesota Statutes 2008, section 126C.05, subdivision 2.

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

Greiling introduced:

H. F. No. 2073, A bill for an act relating to education finance; removing an obsolete reference; amending Minnesota Statutes 2008, section 126C.10, subdivision 1.

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

Clark introduced:

H. F. No. 2074, A bill for an act relating to cities; authorizing counties and cities to establish a main street and neighborhood revitalization program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 469.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Hosch introduced:

H. F. No. 2075, A bill for an act relating to agriculture; creating a commission on local foods; requiring a report.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Loeffler introduced:

H. F. No. 2076, A bill for an act relating to human services; creating equal access and equitable funding health and human services reform; creating a steering committee; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 256E.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam 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. 392, A bill for an act relating to taxation; providing a federal update; modifying computation of net income and payment of corporate franchise tax refunds; modifying requirements for appointment of commissioner of Department of Revenue; amending Minnesota Statutes 2008, sections 270C.02, subdivision 1; 289A.02, subdivision 7; 290.01, subdivisions 19, 19a, 19c, 19d, 31, by adding a subdivision; 290.067, subdivision 2a; 290A.03, subdivisions 3, 15; 291.005, subdivision 1.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Lenczewski moved that the House refuse to concur in the Senate amendments to H. F. No. 392, that the Speaker appoint a Conference Committee of 5 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.

Madam Speaker:

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

S. F. Nos. 896, 1142 and 1477.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 896, A bill for an act relating to energy; authorizing two or more existing municipal power agencies to form a new municipal power agency; amending Minnesota Statutes 2008, sections 453.52, subdivisions 2, 7, 8; 453.53, subdivisions 1, 2, 3, 4, 8, 9; 453.55, subdivision 13.

The bill was read for the first time.

Lillie moved that S. F. No. 896 and H. F. No. 951, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1142, A bill for an act relating to veterans; declaring June 13, 2009, Welcome Home Vietnam Veterans Day.

The bill was read for the first time.

Kalin moved that S. F. No. 1142 and H. F. No. 1400, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1477, A bill for an act relating to construction codes; providing a limited exemption.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 392:

Lenczewski, Marquart, Koenen, Juhnke and Demmer.

MOTIONS AND RESOLUTIONS

Anderson, B., moved that the name of Bunn be added as an author on H. F. No. 33. The motion prevailed.

Mahoney moved that the name of Bunn be added as an author on H. F. No. 126. The motion prevailed.

Dill moved that the name of Jackson be added as an author on H. F. No. 128. The motion prevailed.

Peppin moved that the name of Otremba be added as an author on H. F. No. 290. The motion prevailed.

Bigham moved that the name of Liebling be added as an author on H. F. No. 388. The motion prevailed.

Thissen moved that the name of Mack be added as an author on H. F. No. 458. The motion prevailed.

Beard moved that the name of Sterner be added as an author on H. F. No. 602. The motion prevailed.

Morrow moved that the name of Sterner be added as an author on H. F. No. 668. The motion prevailed.

Gottwalt moved that his name be stricken as an author on H. F. No. 730. The motion prevailed.

Gunther moved that the name of Shimanski be added as an author on H. F. No. 748. The motion prevailed.

Ward moved that the name of Otremba be added as an author on H. F. No. 760. The motion prevailed.

Cornish moved that the name of Olin be added as an author on H. F. No. 800. The motion prevailed.

Pelowski moved that the name of Sterner be added as an author on H. F. No. 801. The motion prevailed.

Bigham moved that her name be stricken as an author on H. F. No. 866. The motion prevailed.

Champion moved that the name of Hornstein be added as an author on H. F. No. 881. The motion prevailed.

Sertich moved that the name of Reinert be added as an author on H. F. No. 925. The motion prevailed.

Emmer moved that the names of Shimanski and Mack be added as authors on H. F. No. 998. The motion prevailed.

Mack moved that her name be stricken as an author on H. F. No. 1031. The motion prevailed.

Mahoney moved that the name of Peppin be added as an author on H. F. No. 1091. The motion prevailed.

Hansen moved that the names of Beard and Hilstrom be added as authors on H. F. No. 1097. The motion prevailed.

Thissen moved that the name of Hornstein be added as an author on H. F. No. 1100. The motion prevailed.

Mariani moved that the name of Peterson be added as an author on H. F. No. 1186. The motion prevailed.

Mariani moved that the name of Peterson be added as an author on H. F. No. 1187. The motion prevailed.

Winkler moved that the name of Peterson be added as an author on H. F. No. 1188. The motion prevailed.

Lanning moved that the name of Peterson be added as an author on H. F. No. 1195. The motion prevailed.

Smith moved that the name of Otremba be added as an author on H. F. No. 1197. The motion prevailed.

Davnie moved that the name of Peterson be added as an author on H. F. No. 1198. The motion prevailed.

Simon moved that the name of Peterson be added as an author on H. F. No. 1206. The motion prevailed.

Ruud moved that the name of Peterson be added as an author on H. F. No. 1211. The motion prevailed.

Gardner moved that the name of Peterson be added as an author on H. F. No. 1217. The motion prevailed.

Sailer moved that the name of Peterson be added as an author on H. F. No. 1260. The motion prevailed.

Hilstrom moved that the name of Kahn be added as an author on H. F. No. 1397. The motion prevailed.

Dill moved that the name of Otremba be added as an author on H. F. No. 1406. The motion prevailed.

Winkler moved that the name of Kahn be added as an author on H. F. No. 1423. The motion prevailed.

Rosenthal moved that the names of Hayden and Greiling be added as authors on H. F. No. 1432. The motion prevailed.

Knuth moved that the name of Kahn be added as an author on H. F. No. 1445. The motion prevailed.

Hayden moved that the name of Kahn be added as an author on H. F. No. 1491. The motion prevailed.

Lillie moved that the name of Kahn be added as an author on H. F. No. 1493. The motion prevailed.

Simon moved that the name of Kahn be added as an author on H. F. No. 1494. The motion prevailed.

Paymar moved that the name of Kahn be added as an author on H. F. No. 1505. The motion prevailed.

Atkins moved that the name of Otremba be added as an author on H. F. No. 1511. The motion prevailed.

Atkins moved that the name of Otremba be added as an author on H. F. No. 1512. The motion prevailed.

Sailer moved that the name of Kahn be added as an author on H. F. No. 1513. The motion prevailed.

Hausman moved that the name of Kahn be added as an author on H. F. No. 1514. The motion prevailed.

Loeffler moved that the name of Kahn be added as an author on H. F. No. 1531. The motion prevailed.

Bigham moved that the name of Urdahl be added as an author on H. F. No. 1556. The motion prevailed.

Kalin moved that the name of Magnus be added as an author on H. F. No. 1605. The motion prevailed.

Knuth moved that the name of Kahn be added as an author on H. F. No. 1612. The motion prevailed.

Simon moved that the names of Brod and Kahn be added as authors on H. F. No. 1616. The motion prevailed.

Mullery moved that the name of Kahn be added as an author on H. F. No. 1617. The motion prevailed.

Davnie moved that the name of Morgan be added as an author on H. F. No. 1621. The motion prevailed.

Liebling moved that the name of Kahn be added as an author on H. F. No. 1641. The motion prevailed.

Olin moved that his name be stricken as an author on H. F. No. 1674. The motion prevailed.

Dauids moved that his name be stricken as an author on H. F. No. 1679. The motion prevailed.

Drazkowski moved that his name be stricken as an author on H. F. No. 1679. The motion prevailed.

Jackson moved that the name of Simon be added as an author on H. F. No. 1712. The motion prevailed.

Anderson, S., moved that the name of Simon be added as an author on H. F. No. 1761. The motion prevailed.

Nelson moved that the name of Gunther be added as an author on H. F. No. 1767. The motion prevailed.

Urdahl moved that the names of Newton, Hortman, Kahn and Knuth be added as authors on H. F. No. 1825. The motion prevailed.

Hornstein moved that the name of Slocum be added as an author on H. F. No. 1828. The motion prevailed.

Mullery moved that the name of Slocum be added as an author on H. F. No. 1868. The motion prevailed.

Severson moved that the names of Reinert and Dettmer be added as authors on H. F. No. 1880. The motion prevailed.

Thissen moved that the name of Peterson be added as an author on H. F. No. 1889. The motion prevailed.

Abeler moved that the name of Doty be added as an author on H. F. No. 1909. The motion prevailed.

Hilty moved that the name of Hansen be added as an author on H. F. No. 1915. The motion prevailed.

Hornstein moved that the name of Morgan be added as an author on H. F. No. 1918. The motion prevailed.

Anderson, S., moved that the names of Lanning, Poppe, Persell and Dittrich be added as authors on H. F. No. 1927. The motion prevailed.

Hansen moved that the name of Hausman be added as an author on H. F. No. 1928. The motion prevailed.

Champion moved that the name of Peterson be added as an author on H. F. No. 1933. The motion prevailed.

Champion moved that the name of Peterson be added as an author on H. F. No. 1934. The motion prevailed.

Murphy, E., moved that the name of Peterson be added as an author on H. F. No. 1935. The motion prevailed.

Loeffler moved that the name of Kahn be added as an author on H. F. No. 1943. The motion prevailed.

Hornstein moved that H. F. No. 928, now on the General Register, be re-referred to the Transportation and Transit Policy and Oversight Division. The motion prevailed.

Fritz moved that H. F. No. 1032 be recalled from the Committee on Health Care and Human Services Policy and Oversight and be re-referred to the Committee on Finance. The motion prevailed.

Abeler moved that H. F. No. 1366 be recalled from the Committee on Health Care and Human Services Policy and Oversight and be re-referred to the Committee on Finance. The motion prevailed.

Davnie moved that H. F. No. 1702 be recalled from the Committee on K-12 Education Policy and Oversight and be re-referred to the Committee on Finance. The motion prevailed.

Davnie moved that H. F. No. 1883 be recalled from the Committee on Finance and be re-referred to the Committee on Taxes. The motion prevailed.

Holberg moved that H. F. No. 1955 be recalled from the Committee on Finance and be re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections. The motion prevailed.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:30 p.m., Tuesday, March 24, 2009. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:30 p.m., Tuesday, March 24, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

