

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION — 2014

SEVENTY-FOURTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 21, 2014

The House of Representatives convened at 12:00 noon and was called to order by Paul Thissen, Speaker of the House.

Prayer was offered by Representative Mary Murphy, District 3B, Hermantown, 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 | Dill | Hausman | Lien | Newberger | Selcer |
| Albright | Dorholt | Hertaus | Lillie | Newton | Simon |
| Allen | Drazkowski | Hilstrom | Loeffler | Nornes | Simonson |
| Anderson, P. | Erhardt | Holberg | Lohmer | Norton | Slocum |
| Anderson, S. | Erickson, R. | Hoppe | Loon | O'Driscoll | Sundin |
| Anzelc | Erickson, S. | Hornstein | Mack | O'Neill | Swedzinski |
| Atkins | Fabian | Hortman | Mahoney | Paymar | Theis |
| Barrett | Falk | Howe | Mariani | Pelowski | Torkelson |
| Benson, J. | Faust | Huntley | Marquart | Peppin | Uglen |
| Benson, M. | Fischer | Isaacson | Masin | Persell | Urdahl |
| Bernardy | FitzSimmons | Johnson, B. | McDonald | Petersburg | Wagenius |
| Bly | Franson | Johnson, C. | McNamar | Poppe | Ward, J.A. |
| Brynaert | Freiberg | Johnson, S. | McNamara | Pugh | Ward, J.E. |
| Carlson | Fritz | Kahn | Melin | Quam | Wills |
| Clark | Garofalo | Kelly | Metsa | Radinovich | Winkler |
| Cornish | Green | Kiel | Moran | Rosenthal | Yarusso |
| Daudt | Gruenhagen | Kresha | Morgan | Runbeck | Zellers |
| Davids | Gunther | Laine | Mullery | Savick | Zerwas |
| Davnie | Hackbarth | Leidiger | Murphy, E. | Sawatzky | Spk. Thissen |
| Dean, M. | Halverson | Lenczewski | Murphy, M. | Schoen | |
| Dehn, R. | Hamilton | Lesch | Myhra | Schomacker | |
| Dettmer | Hansen | Liebling | Nelson | Scott | |

A quorum was present.

Anderson, M.; Beard; Kieffer; Sanders and Woodard were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Hilstrom from the Committee on Judiciary Finance and Policy to which was referred:

H. F. No. 291, A bill for an act relating to assisted reproduction; modifying certain provisions related to determinations of paternity and maternity; amending Minnesota Statutes 2012, sections 257.54; 257.541, subdivision 1; 257.55, subdivision 1.

Reported the same back with the following amendments:

Page 3, line 17, delete "2013" and insert "2014"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Hilstrom from the Committee on Judiciary Finance and Policy to which was referred:

H. F. No. 1226, A bill for an act relating to public safety; providing enhanced penalties for causing the death of or assaulting a prosecuting attorney; amending Minnesota Statutes 2012, sections 609.185; 609.221, subdivision 2; 609.2231, subdivision 3.

Reported the same back with the following amendments:

Page 2, line 26, delete "2013" and insert "2014"

Page 3, lines 18 and 32, delete "2013" and insert "2014"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Paymar from the Committee on Public Safety Finance and Policy to which was referred:

H. F. No. 1335, A bill for an act relating to public safety; traffic regulations; clarifying requirements pertaining to collisions; making a terminology change; amending Minnesota Statutes 2012, sections 169.09, subdivisions 1, 2, 3, 4, 5, 6, 14, 15, by adding a subdivision; 609.21, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 13, delete "any individual" and insert "another"

Page 1, line 23, delete "an individual" and insert "another"

Page 2, lines 6 and 7, strike "any individual" and insert "another"

Page 3, lines 8, 16, 19, and 23, strike "any individual" and insert "another"

Page 3, line 27, before "who" insert "to another"

Page 3, line 30, strike "2," and strike "4,"

Page 3, after line 31, insert:

"(d) The driver of any vehicle involved in a collision resulting in damage to an attended vehicle who violates subdivision 2 is guilty of a misdemeanor.

"(e) The driver of any vehicle involved in a collision resulting in damage to an unattended vehicle who violates subdivision 4 is guilty of a misdemeanor."

Page 3, line 32, strike "(d)" and insert "(f)"

Page 4, line 2, delete "(a)"

Page 4, delete lines 8 and 9

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Hilstrom from the Committee on Judiciary Finance and Policy to which was referred:

H. F. No. 1851, A bill for an act relating to public safety; enhancing penalties for certain repeat criminal sexual conduct offenders; amending Minnesota Statutes 2012, sections 243.167, subdivision 1; 609.135, subdivision 2; 609.3451, subdivision 3.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Murphy, M., from the Committee on State Government Finance and Veterans Affairs to which was referred:

H. F. No. 1898, A bill for an act relating to health; changing requirements for health-related licensing boards; barring credentials for an individual with a felony-level criminal sexual conduct offense; temporary suspension for imminent risk of harm; amending Minnesota Statutes 2012, sections 214.103, subdivisions 2, 3; 214.12, by adding a subdivision; 214.29; 214.31; 214.32; 214.33, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 214; repealing Minnesota Statutes 2012, sections 214.28; 214.36; 214.37.

Reported the same back with the following amendments:

Page 4, delete section 8 and insert:

"Sec. 8. Minnesota Statutes 2012, section 214.32, is amended to read:

214.32 PROGRAM OPERATIONS AND RESPONSIBILITIES.

Subdivision 1. **Management.** (a) A Health Professionals Services Program Committee is established, consisting of ~~one person appointed by each participating board, with each participating board having one vote. no fewer than three, or more than six, executive directors of health-related licensing boards or their designees, and two members of the advisory committee established in paragraph (c). Program committee members from the health-related licensing boards shall be appointed by a means agreeable to the executive directors of the health-related licensing boards in July of odd-numbered years. Members from the advisory committee shall be appointed by a means agreeable to advisory committee members in July of odd-numbered years.~~ The program committee shall designate one board to provide administrative management of the program, set the program budget and the pro rata share of program expenses to be borne by each participating board, provide guidance on the general operation of the program, including hiring of program personnel, and ensure that the program's direction is in accord with its authority. The program committee shall establish uniform criteria and procedures governing termination and discharge for all health professionals served by the health professionals services program. If the participating boards change which board is designated to provide administrative management of the program, any appropriation remaining for the program shall transfer to the newly designated board on the effective date of the change. The participating boards must inform the appropriate legislative committees and the commissioner of management and budget of any change in the administrative management of the program, and the amount of any appropriation transferred under this provision.

(b) The designated board, upon recommendation of the Health Professional Services Program Committee, shall hire the program manager and employees and pay expenses of the program from funds appropriated for that purpose. The designated board may apply for grants to pay program expenses and may enter into contracts on behalf of the program to carry out the purposes of the program. The participating boards shall enter into written agreements with the designated board.

(c) An advisory committee is established to advise the program committee consisting of:

(1) ~~one member appointed by each of the following: the Minnesota Academy of Physician Assistants, the Minnesota Dental Association, the Minnesota Chiropractic Association, the Minnesota Licensed Practical Nurse Association, the Minnesota Medical Association, the Minnesota Nurses Association, and the Minnesota Podiatric Medicine Association~~ of the professional associations whose members are eligible for health professionals services program services; and

(2) ~~one member appointed by each of the professional associations of the other professions regulated by a participating board not specified in clause (1); and~~

(3) two public members, as defined by section 214.02.

Members of the advisory committee shall be appointed for two years and members may be reappointed.

Subd. 2. **Services.** (a) The program shall provide the following services to program participants:

(1) referral of eligible regulated persons to qualified professionals for evaluation, treatment, and a written plan for continuing care consistent with the regulated person's illness. The referral shall take into consideration the regulated person's financial resources as well as specific needs;

(2) development of individualized program participation agreements between participants and the program to meet the needs of participants and protect the public. An agreement may include, but need not be limited to, recommendations from the continuing care plan, practice monitoring, health monitoring, practice restrictions, random drug screening, support group participation, filing of reports necessary to document compliance, and terms for successful completion of the regulated person's program; and

(3) monitoring of compliance by participants with individualized program participation agreements or board orders.

(b) The program may develop services related to sections 214.31 to 214.37 for employers and colleagues of regulated persons from participating boards.

Subd. 3. **Participant costs.** Each program participant shall be responsible for paying for the costs of physical, psychosocial, or other related evaluation, treatment, laboratory monitoring, and random drug screens.

Subd. 4. **Eligibility.** Admission to the health professional services program is available to a person regulated by a participating board who is unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition. Admission in the health professional services program shall be denied to persons:

(1) who have diverted controlled substances for other than self-administration;

(2) who have been terminated from this or any other state professional services program for noncompliance in the program, unless referred by a participating board or the commissioner of health;

(3) currently under a board disciplinary order or corrective action agreement, unless referred by a board;

(4) ~~regulated under sections 214.17 to 214.25, unless referred by a board or by the commissioner of health;~~

~~(5)~~ accused of sexual misconduct; or

~~(6)~~ (5) whose continued practice would create a serious risk of harm to the public.

Subd. 5. **Completion; voluntary termination; discharge.** (a) A regulated person completes the program when the terms of the program participation agreement are fulfilled.

(b) A regulated person may voluntarily terminate participation in the health professionals service program at any time by reporting to the person's board which shall result in the program manager making a report to the regulated person's board under section 214.33, subdivision 3.

(c) The program manager may choose to discharge a regulated person from the program and make a referral to the person's board at any time for reasons including but not limited to: the degree of cooperation and compliance by the regulated person, the inability to secure information or the medical records of the regulated person, or indication of other possible violations of the regulated person's practice act. The regulated person shall be notified in writing by the program manager of any change in the person's program status. A regulated person who has been terminated or discharged from the program may be referred back to the program for monitoring.

Subd. 6. **Duties of a health-related licensing board.** (a) Upon receiving notice from the program manager that a regulated person has been discharged due to noncompliance or voluntary withdrawal, when the appropriate licensing board has probable cause to believe continued practice by the regulated person presents an imminent risk of harm, the licensing board shall temporarily suspend the regulated person's professional license. The suspension shall take effect upon written notice to the regulated person and shall specify the reason for the suspension.

(b) The suspension shall remain in effect until the appropriate licensing board completes an investigation and issues a final order in the matter after a hearing.

(c) At the time it issues the suspension notice, the appropriate licensing board shall schedule a disciplinary hearing to be held pursuant to the Administrative Procedure Act. The regulated person shall be provided with at least 20 days' notice of any hearing held pursuant to this subdivision. The hearing shall be scheduled no later than 60 days after issuance of the suspension order."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Lesch from the Committee on Civil Law to which was referred:

H. F. No. 2005, A bill for an act relating to health; modifying the criteria for comprehensive and primary stroke centers; amending Minnesota Statutes 2013 Supplement, section 144.493, subdivisions 1, 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 62U.04, subdivision 4, is amended to read:

Subd. 4. **Encounter data.** (a) Beginning July 1, 2009, and every six months thereafter, all health plan companies and third-party administrators shall submit encounter data to a private entity designated by the commissioner of health. The data shall be submitted in a form and manner specified by the commissioner subject to the following requirements:

(1) the data must be de-identified data as described under the Code of Federal Regulations, title 45, section 164.514;

(2) the data for each encounter must include an identifier for the patient's health care home if the patient has selected a health care home; and

(3) except for the identifier described in clause (2), the data must not include information that is not included in a health care claim or equivalent encounter information transaction that is required under section 62J.536.

(b) The commissioner or the commissioner's designee shall only use the data submitted under paragraph (a) to carry out its responsibilities in this section, including supplying the data to providers so they can verify their results of the peer grouping process consistent with the recommendations developed pursuant to subdivision 3c, paragraph (d), and adopted by the commissioner and, if necessary, submit comments to the commissioner or initiate an appeal.

(c) Data on providers collected under this subdivision are private data on individuals or nonpublic data, as defined in section 13.02. Notwithstanding the definition of summary data in section 13.02, subdivision 19, summary data prepared under this subdivision may be derived from nonpublic data. The commissioner or the commissioner's designee shall establish procedures and safeguards to protect the integrity and confidentiality of any data that it maintains.

(d) The commissioner or the commissioner's designee shall not publish analyses or reports that identify, or could potentially identify, individual patients.

(e) The commissioner shall compile summary information on the data submitted under this subdivision. The commissioner shall work with its vendors to assess the data submitted in terms of compliance with the data submission requirements and the completeness of the data submitted by comparing the data with summary information compiled by the commissioner and with established and emerging data quality standards to ensure data quality.

Sec. 2. Minnesota Statutes 2012, section 62U.04, is amended by adding a subdivision to read:

Subd. 10. **Restricted uses of the all-payer claims data.** (a) Notwithstanding subdivision 4, paragraph (b), and subdivision 5, paragraph (b), the commissioner or the commissioner's designee shall only use the data submitted under subdivisions 4 and 5 for the following purposes:

(1) to evaluate the performance of the health care home program as authorized under sections 256B.0751, subdivision 6, and 256B.0752, subdivision 2;

(2) to study, in collaboration with the reducing avoidable readmissions effectively (RARE) campaign, hospital readmission trends and rates;

(3) to analyze variations in health care costs, quality, utilization, and illness burden based on geographical areas or populations; and

(4) to evaluate the state innovation model (SIM) testing grant received by the Departments of Health and Human Services, including the analysis of health care cost, quality, and utilization baseline and trend information for targeted populations and communities.

(b) The commissioner may publish the results of the authorized uses identified in paragraph (a) so long as the data released publicly do not contain information or descriptions in which the identity of individual hospitals, clinics, or other providers may be discerned.

(c) Nothing in this subdivision shall be construed to prohibit the commissioner from using the data collected under subdivision 4 to complete the state-based risk adjustment system assessment due to the legislature on October 1, 2015.

(d) The commissioner or the commissioner's designee may use the data submitted under subdivisions 4 and 5 for the purpose described in paragraph (a), clause (3), until July 1, 2016.

Sec. 3. Minnesota Statutes 2013 Supplement, section 144.493, subdivision 1, is amended to read:

Subdivision 1. **Comprehensive stroke center.** A hospital meets the criteria for a comprehensive stroke center if the hospital has been certified as a comprehensive stroke center by the joint commission or another nationally recognized accreditation entity and the hospital participates in the Minnesota stroke registry program.

Sec. 4. Minnesota Statutes 2013 Supplement, section 144.493, subdivision 2, is amended to read:

Subd. 2. **Primary stroke center.** A hospital meets the criteria for a primary stroke center if the hospital has been certified as a primary stroke center by the joint commission or another nationally recognized accreditation entity and the hospital participates in the Minnesota stroke registry program.

Sec. 5. Minnesota Statutes 2012, section 152.126, as amended by Laws 2013, chapter 113, article 3, section 3, is amended to read:

152.126 CONTROLLED SUBSTANCES PRESCRIPTION ELECTRONIC REPORTING SYSTEM PRESCRIPTION MONITORING PROGRAM.

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(a) ~~(b)~~ "Board" means the Minnesota State Board of Pharmacy established under chapter 151.

~~(b)~~ ~~(c)~~ "Controlled substances" means those substances listed in section 152.02, subdivisions 3 to ~~5~~ 6, and those substances defined by the board pursuant to section 152.02, subdivisions 7, 8, and 12. For the purposes of this section, controlled substances includes tramadol and butalbital.

~~(c)~~ ~~(d)~~ "Dispense" or "dispensing" has the meaning given in section 151.01, subdivision 30. Dispensing does not include the direct administering of a controlled substance to a patient by a licensed health care professional.

~~(d)~~ ~~(e)~~ "Dispenser" means a person authorized by law to dispense a controlled substance, pursuant to a valid prescription. For the purposes of this section, a dispenser does not include a licensed hospital pharmacy that distributes controlled substances for inpatient hospital care or a veterinarian who is dispensing prescriptions under section 156.18.

~~(e)~~ ~~(f)~~ "Prescriber" means a licensed health care professional who is authorized to prescribe a controlled substance under section 152.12, subdivision 1 or 2.

~~(f)~~ ~~(g)~~ "Prescription" has the meaning given in section 151.01, subdivision 16.

Subd. 1a. **Treatment of intractable pain.** This section is not intended to limit or interfere with the legitimate prescribing of controlled substances for pain. No prescriber shall be subject to disciplinary action by a health-related licensing board for prescribing a controlled substance according to the provisions of section 152.125.

Subd. 2. **Prescription electronic reporting system.** (a) The board shall establish by January 1, 2010, an electronic system for reporting the information required under subdivision 4 for all controlled substances dispensed within the state.

(b) The board may contract with a vendor for the purpose of obtaining technical assistance in the design, implementation, operation, and maintenance of the electronic reporting system.

Subd. 3. **~~Prescription Electronic Reporting Monitoring Program Advisory Committee Task Force.~~** (a) The board ~~shall convene~~ shall appoint an advisory ~~committee.~~ task force consisting of at least one representative of:

- (1) the Department of Health;
- (2) the Department of Human Services;
- (3) each health-related licensing board that licenses prescribers;
- (4) a professional medical association, which may include an association of pain management and chemical dependency specialists;
- (5) a professional pharmacy association;
- (6) a professional nursing association;
- (7) a professional dental association;
- (8) a consumer privacy or security advocate; and

(9) a consumer or patient rights organization.

(b) The advisory ~~committee~~ task force shall advise the board on the development and operation of the ~~electronic reporting system~~ prescription monitoring program, including, but not limited to:

- (1) technical standards for electronic prescription drug reporting;
- (2) proper analysis and interpretation of prescription monitoring data; and
- (3) an evaluation process for the program.

(c) The task force is governed by section 15.059. Notwithstanding section 15.059, subdivision 5, the task force shall not expire.

Subd. 4. **Reporting requirements; notice.** (a) Each dispenser must submit the following data to the board or its designated vendor, ~~subject to the notice required under paragraph (d):~~

- (1) name of the prescriber;
- (2) national provider identifier of the prescriber;
- (3) name of the dispenser;
- (4) national provider identifier of the dispenser;
- (5) prescription number;
- (6) name of the patient for whom the prescription was written;
- (7) address of the patient for whom the prescription was written;
- (8) date of birth of the patient for whom the prescription was written;
- (9) date the prescription was written;
- (10) date the prescription was filled;
- (11) name and strength of the controlled substance;
- (12) quantity of controlled substance prescribed;
- (13) quantity of controlled substance dispensed; and
- (14) number of days supply.

(b) The dispenser must submit the required information by a procedure and in a format established by the board. The board may allow dispensers to omit data listed in this subdivision or may require the submission of data not listed in this subdivision provided the omission or submission is necessary for the purpose of complying with the electronic reporting or data transmission standards of the American Society for Automation in Pharmacy, the National Council on Prescription Drug Programs, or other relevant national standard-setting body.

(c) A dispenser is not required to submit this data for those controlled substance prescriptions dispensed for:

- ~~(1) individuals residing in licensed skilled nursing or intermediate care facilities;~~
- ~~(2) individuals receiving assisted living services under chapter 144G or through a medical assistance home and community-based waiver;~~
- ~~(3) individuals receiving medication intravenously;~~
- ~~(4) individuals receiving hospice and other palliative or end of life care; and~~
- ~~(5) individuals receiving services from a home care provider regulated under chapter 144A.~~

(1) individuals residing in a health care facility as defined in section 151.58, subdivision 2, paragraph (b), when a drug is distributed through the use of an automated drug distribution system according to section 151.58; and

(2) individuals receiving a drug sample that was packaged by a manufacturer and provided to the dispenser for dispensing as a professional sample pursuant to Code of Federal Regulations, title 21, section 203, subpart D.

(d) A dispenser must ~~not submit data under this subdivision unless~~ provide to the patient for whom the prescription was written a conspicuous notice of the reporting requirements of this section is given to the patient for whom the prescription was written and notice that the information may be used for program administration purposes.

Subd. 5. Use of data by board. (a) The board shall develop and maintain a database of the data reported under subdivision 4. The board shall maintain data that could identify an individual prescriber or dispenser in encrypted form. Except as otherwise allowed under subdivision 6, the database may be used by permissible users identified under subdivision 6 for the identification of:

(1) individuals receiving prescriptions for controlled substances from prescribers who subsequently obtain controlled substances from dispensers in quantities or with a frequency inconsistent with generally recognized standards of use for those controlled substances, including standards accepted by national and international pain management associations; and

(2) individuals presenting forged or otherwise false or altered prescriptions for controlled substances to dispensers.

(b) No permissible user identified under subdivision 6 may access the database for the sole purpose of identifying prescribers of controlled substances for unusual or excessive prescribing patterns without a valid search warrant or court order.

(c) No personnel of a state or federal occupational licensing board or agency may access the database for the purpose of obtaining information to be used to initiate or substantiate a disciplinary action against a prescriber.

(d) Data reported under subdivision 4 shall be ~~retained by the board in the database for a 12-month period, and shall be removed from the database no later than 12 months from the last day of the month during which the data was received.~~ made available to permissible users for a 12-month period beginning the day the data was received and ending 12 months from the last day of the month in which the data was received, except that permissible users defined in subdivision 6, paragraph (b), clauses (5) and (6), may use all data collected under this section for the purposes of administering, operating, and maintaining the prescription monitoring program and conducting trend analyses and other studies necessary to evaluate the effectiveness of the program. Data retained beyond 12 months must be de-identified.

(e) The board shall not retain data reported under subdivision 4 for a period longer than five years from the date the data was received.

Subd. 6. **Access to reporting system data.** (a) Except as indicated in this subdivision, the data submitted to the board under subdivision 4 is private data on individuals as defined in section 13.02, subdivision 12, and not subject to public disclosure.

(b) Except as specified in subdivision 5, the following persons shall be considered permissible users and may access the data submitted under subdivision 4 in the same or similar manner, and for the same or similar purposes, as those persons who are authorized to access similar private data on individuals under federal and state law:

(1) a prescriber or an agent or employee of the prescriber to whom the prescriber has delegated the task of accessing the data, to the extent the information relates specifically to a current patient, to whom the prescriber is:

(i) prescribing or considering prescribing any controlled substance;

(ii) providing emergency medical treatment for which access to the data may be necessary; or

(iii) providing other medical treatment for which access to the data may be necessary and the patient has consented to access to the submitted data, and with the provision that the prescriber remains responsible for the use or misuse of data accessed by a delegated agent or employee;

(2) a dispenser or an agent or employee of the dispenser to whom the dispenser has delegated the task of accessing the data, to the extent the information relates specifically to a current patient to whom that dispenser is dispensing or considering dispensing any controlled substance and with the provision that the dispenser remains responsible for the use or misuse of data accessed by a delegated agent or employee;

(3) an individual who is the recipient of a controlled substance prescription for which data was submitted under subdivision 4, or a guardian of the individual, parent or guardian of a minor, or health care agent of the individual acting under a health care directive under chapter 145C;

(4) personnel of the board specifically assigned to conduct a bona fide investigation of a specific licensee;

(5) personnel of the board engaged in the collection, review, and analysis of controlled substance prescription information as part of the assigned duties and responsibilities under this section;

(6) authorized personnel of a vendor under contract with the ~~board~~ state of Minnesota who are engaged in the design, implementation, operation, and maintenance of the ~~electronic reporting system~~ prescription monitoring program as part of the assigned duties and responsibilities of their employment, provided that access to data is limited to the minimum amount necessary to carry out such duties and responsibilities, and subject to the requirement of de-identification and time limit on retention of data specified in subdivision 5, paragraphs (d) and (e);

(7) federal, state, and local law enforcement authorities acting pursuant to a valid search warrant;

(8) personnel of the ~~medical assistance program~~ Minnesota health care programs assigned to use the data collected under this section to identify recipients whose usage of controlled substances may warrant restriction to a single primary care ~~physician provider~~, a single outpatient pharmacy, ~~or~~ and a single hospital; ~~and~~

(9) personnel of the Department of Human Services assigned to access the data pursuant to paragraph ~~(h)~~ (g); and

(10) personnel of the health professionals services program established under section 214.31, to the extent that the information relates specifically to an individual who is currently enrolled in and being monitored by the program, and the individual consents to access to that information. The health professionals services program personnel shall not provide this data to a health-related licensing board or the Emergency Medical Services Regulatory Board, except as permitted under section 214.33, subdivision 3.

For purposes of clause ~~(3)~~ (4), access by an individual includes persons in the definition of an individual under section 13.02.

(c) ~~Any~~ A permissible user identified in paragraph (b), ~~who~~ clauses (1), (2), (5), (6), and (8) may directly ~~accesses~~ access the data electronically. If the data is directly accessed electronically, the permissible user shall implement and maintain a comprehensive information security program that contains administrative, technical, and physical safeguards that are appropriate to the user's size and complexity, and the sensitivity of the personal information obtained. The permissible user shall identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of personal information that could result in the unauthorized disclosure, misuse, or other compromise of the information and assess the sufficiency of any safeguards in place to control the risks.

(d) The board shall not release data submitted under ~~this section~~ subdivision 4 unless it is provided with evidence, satisfactory to the board, that the person requesting the information is entitled to receive the data.

~~(e) The board shall not release the name of a prescriber without the written consent of the prescriber or a valid search warrant or court order. The board shall provide a mechanism for a prescriber to submit to the board a signed consent authorizing the release of the prescriber's name when data containing the prescriber's name is requested.~~

~~(f)~~ (e) The board shall maintain a log of all persons who access the data for a period of at least three years and shall ensure that any permissible user complies with paragraph (c) prior to attaining direct access to the data.

~~(g)~~ (f) Section 13.05, subdivision 6, shall apply to any contract the board enters into pursuant to subdivision 2. A vendor shall not use data collected under this section for any purpose not specified in this section.

~~(h)~~ (g) With available appropriations, the commissioner of human services shall establish and implement a system through which the Department of Human Services shall routinely access the data for the purpose of determining whether any client enrolled in an opioid treatment program licensed according to chapter 245A has been prescribed or dispensed a controlled substance in addition to that administered or dispensed by the opioid treatment program. When the commissioner determines there have been multiple prescribers or multiple prescriptions of controlled substances, the commissioner shall:

(1) inform the medical director of the opioid treatment program only that the commissioner determined the existence of multiple prescribers or multiple prescriptions of controlled substances; and

(2) direct the medical director of the opioid treatment program to access the data directly, review the effect of the multiple prescribers or multiple prescriptions, and document the review.

If determined necessary, the commissioner of human services shall seek a federal waiver of, or exception to, any applicable provision of Code of Federal Regulations, title 42, part 2.34, item (c), prior to implementing this paragraph.

Subd. 7. **Disciplinary action.** (a) A dispenser who knowingly fails to submit data to the board as required under this section is subject to disciplinary action by the appropriate health-related licensing board.

(b) A prescriber or dispenser authorized to access the data who knowingly discloses the data in violation of state or federal laws relating to the privacy of health care data shall be subject to disciplinary action by the appropriate health-related licensing board, and appropriate civil penalties.

~~Subd. 8. **Evaluation and reporting.** (a) The board shall evaluate the prescription electronic reporting system to determine if the system is negatively impacting appropriate prescribing practices of controlled substances. The board may contract with a vendor to design and conduct the evaluation.~~

~~(b) The board shall submit the evaluation of the system to the legislature by July 15, 2011.~~

Subd. 9. **Immunity from liability; no requirement to obtain information.** (a) A pharmacist, prescriber, or other dispenser making a report to the program in good faith under this section is immune from any civil, criminal, or administrative liability, which might otherwise be incurred or imposed as a result of the report, or on the basis that the pharmacist or prescriber did or did not seek or obtain or use information from the program.

(b) Nothing in this section shall require a pharmacist, prescriber, or other dispenser to obtain information about a patient from the program, and the pharmacist, prescriber, or other dispenser, if acting in good faith, is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting, receiving, or using information from the program.

Subd. 10. **Funding.** (a) The board may seek grants and private funds from nonprofit charitable foundations, the federal government, and other sources to fund the enhancement and ongoing operations of the prescription ~~electronic reporting system~~ monitoring program established under this section. Any funds received shall be appropriated to the board for this purpose. The board may not expend funds to enhance the program in a way that conflicts with this section without seeking approval from the legislature.

(b) Notwithstanding any other section, the administrative services unit for the health-related licensing boards shall apportion between the Board of Medical Practice, the Board of Nursing, the Board of Dentistry, the Board of Podiatric Medicine, the Board of Optometry, the Board of Veterinary Medicine, and the Board of Pharmacy an amount to be paid through fees by each respective board. The amount apportioned to each board shall equal each board's share of the annual appropriation to the Board of Pharmacy from the state government special revenue fund for operating the prescription ~~electronic reporting system~~ monitoring program under this section. Each board's apportioned share shall be based on the number of prescribers or dispensers that each board identified in this paragraph licenses as a percentage of the total number of prescribers and dispensers licensed collectively by these boards. Each respective board may adjust the fees that the boards are required to collect to compensate for the amount apportioned to each board by the administrative services unit.

Sec. 6. Minnesota Statutes 2013 Supplement, section 256N.21, is amended by adding a subdivision to read:

Subd. 7. **Background study.** (a) A county or private agency conducting a background study for purposes of child foster care licensing or approval must conduct the study in accordance with chapter 245C and must meet the requirements in United States Code, title 42, section 671(a)(20).

(b) A tribal organization conducting a background study for purposes of child foster care licensing or approval must conduct the study in accordance with the requirements in United States Code, title 25, sections 1931 to 1932. The study must meet the requirements in United States Code, title 42, section 671(a)(20), when applicable.

Sec. 7. **[403.51] AUTOMATIC EXTERNAL DEFIBRILLATION; REGISTRATION.**

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given them.

(b) "Automatic external defibrillator" or "AED" means an electronic device designed and manufactured to operate automatically or semiautomatically for the purpose of delivering an electrical current to the heart of a person in sudden cardiac arrest.

(c) "AED registry" means a registry of AEDs that requires a maintenance program or package, and includes, but is not limited to, the following registries: the Minnesota AED Registry, the National AED Registry, iRescu, or a manufacturer-specific program.

(d) "Person" means a natural person, partnership, association, corporation, or unit of government.

(e) "Public access AED" means any AED that is intended, by its markings or display, to be used or accessed by the public for the benefit of the general public that may happen to be in the vicinity or location of that AED. It does not include an AED that is owned or used by a hospital, clinic, business, or organization that is intended to be used by staff and is not marked or displayed in a manner to encourage public access.

(f) "Maintenance program or package" means a program that will alert the AED owner when the AED has electrodes and batteries due to expire or replaces those expiring electrodes and batteries for the AED owner.

(g) "Public safety agency" means local law enforcement, county sheriff, municipal police, tribal agencies, state law enforcement, fire departments, including municipal departments, industrial fire brigades, and nonprofit fire departments, joint powers agencies, and licensed ambulance services.

(h) "Mobile AED" means an AED that (1) is purchased with the intent of being located in a vehicle, including, but not limited to, public safety agency vehicles; or (2) will not be placed in stationary storage, including, but not limited to, an AED used at an athletic event.

(i) "Private use AED" means an AED that is not intended to be used or accessed by the public for the benefit of the general public. This may include, but is not limited to, AEDs found in private residences.

Subd. 2. Registration. A person who purchases or obtains a public access AED shall register that device with an AED registry within 30 working days of receiving the AED.

Subd. 3. Required information. A person registering a public access AED shall provide the following information for each AED:

(1) AED manufacturer, model, and serial number;

(2) specific location where the AED will be kept; and

(3) the title, address, and telephone number of a person in management at the business or organization where the AED is located.

Subd. 4. Information changes. The owner of a public access AED shall notify their AED registry of any changes in the information that is required in the registration within 30 working days of the change occurring.

Subd. 5. Public access AED requirements. A public access AED:

(1) may be inspected during regular business hours by a public safety agency with jurisdiction over the location of the AED;

(2) shall be kept in the location specified in the registration; and

(3) shall be reasonably maintained, including replacement of dead batteries and pads/electrodes, and comply with all manufacturer's recall and safety notices.

Subd. 6. **Removal of AED.** An authorized agent of a public safety agency with jurisdiction over the location of the AED may direct the owner of a public access AED to comply with this section. Such authorized agent of a public safety agency may direct the owner of the AED to remove the AED from its public access location and to remove or cover any public signs relating to that AED if it is determined that the AED is not ready for immediate use.

Subd. 7. **Private use AEDs.** The owner of a private use AED is not subject to the requirements of this section but is encouraged to maintain the AED in a consistent manner.

Subd. 8. **Mobile AEDs.** The owner of a mobile AED is not subject to the requirements of this section but is encouraged to maintain the AED in a consistent manner.

Subd. 9. **Signs.** A person acquiring a public use AED is encouraged but is not required to post signs bearing the universal AED symbol in order to increase the ease of access by the public to the AED in the event of an emergency. A person may not post any AED sign or allow any AED sign to remain posted upon being ordered to remove or cover any AED signs by an authorized agent of a public safety agency.

Subd. 10. **Emergency response plans.** The owner of one or more public access AEDs shall develop an emergency response plan appropriate for the nature of the facility the AED is intended to serve.

Subd. 11. **No civil liability.** Nothing in this section shall create any civil liability on the part of an AED owner.

EFFECTIVE DATE. This section is effective August 1, 2014.

Sec. 8. **[604A.04] GOOD SAMARITAN OVERDOSE PREVENTION.**

Subdivision 1. **Definitions; opiate antagonist.** For purposes of this section, "opiate antagonist" means naloxone hydrochloride or any similarly acting drug approved by the federal Food and Drug Administration for the treatment of a drug overdose.

Subd. 2. **Authority to possess and administer opiate antagonists; release from liability.** (a) A person who is not a health care professional may possess or administer an opiate antagonist that is prescribed, dispensed, or distributed by a licensed health care professional pursuant to subdivision 3.

(b) A person who is not a health care professional who acts in good faith in administering an opiate antagonist to another person whom the person believes in good faith to be suffering a drug overdose is immune from criminal prosecution for the act and is not liable for any civil damages for acts or omissions resulting from the act.

Subd. 3. **Health care professionals; release from liability.** A licensed health care professional who is permitted by law to prescribe an opiate antagonist, if acting in good faith, may directly or by standing order prescribe, dispense, distribute, or administer an opiate antagonist to a person without being subject to civil liability or criminal prosecution for the act. This immunity applies even when the opiate antagonist is eventually administered in either or both of the following instances: (1) by someone other than the person to whom it is prescribed; or (2) to someone other than the person to whom it is prescribed.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to actions arising from incidents occurring on or after that date.

Sec. 9. Minnesota Statutes 2013 Supplement, section 626.557, subdivision 9, is amended to read:

Subd. 9. **Common entry point designation.** (a) Each county board shall designate a common entry point for reports of suspected maltreatment, for use until the commissioner of human services establishes a common entry point. Two or more county boards may jointly designate a single common entry point. The commissioner of human services shall establish a common entry point effective ~~July 1, 2014~~ no sooner than January 1, 2015. The common entry point is the unit responsible for receiving the report of suspected maltreatment under this section.

(b) The common entry point must be available 24 hours per day to take calls from reporters of suspected maltreatment. The common entry point shall use a standard intake form that includes:

- (1) the time and date of the report;
- (2) the name, address, and telephone number of the person reporting;
- (3) the time, date, and location of the incident;
- (4) the names of the persons involved, including but not limited to, perpetrators, alleged victims, and witnesses;
- (5) whether there was a risk of imminent danger to the alleged victim;
- (6) a description of the suspected maltreatment;
- (7) the disability, if any, of the alleged victim;
- (8) the relationship of the alleged perpetrator to the alleged victim;
- (9) whether a facility was involved and, if so, which agency licenses the facility;
- (10) any action taken by the common entry point;
- (11) whether law enforcement has been notified;
- (12) whether the reporter wishes to receive notification of the initial and final reports; and
- (13) if the report is from a facility with an internal reporting procedure, the name, mailing address, and telephone number of the person who initiated the report internally.

(c) The common entry point is not required to complete each item on the form prior to dispatching the report to the appropriate lead investigative agency.

(d) The common entry point shall immediately report to a law enforcement agency any incident in which there is reason to believe a crime has been committed.

(e) If a report is initially made to a law enforcement agency or a lead investigative agency, those agencies shall take the report on the appropriate common entry point intake forms and immediately forward a copy to the common entry point.

(f) The common entry point staff must receive training on how to screen and dispatch reports efficiently and in accordance with this section.

(g) The commissioner of human services shall maintain a centralized database for the collection of common entry point data, lead investigative agency data including maltreatment report disposition, and appeals data. The common entry point shall have access to the centralized database and must log the reports into the database and immediately identify and locate prior reports of abuse, neglect, or exploitation.

(h) When appropriate, the common entry point staff must refer calls that do not allege the abuse, neglect, or exploitation of a vulnerable adult to other organizations that might resolve the reporter's concerns.

(i) A common entry point must be operated in a manner that enables the commissioner of human services to:

(1) track critical steps in the reporting, evaluation, referral, response, disposition, and investigative process to ensure compliance with all requirements for all reports;

(2) maintain data to facilitate the production of aggregate statistical reports for monitoring patterns of abuse, neglect, or exploitation;

(3) serve as a resource for the evaluation, management, and planning of preventative and remedial services for vulnerable adults who have been subject to abuse, neglect, or exploitation;

(4) set standards, priorities, and policies to maximize the efficiency and effectiveness of the common entry point; and

(5) track and manage consumer complaints related to the common entry point.

(j) The commissioners of human services and health shall collaborate on the creation of a system for referring reports to the lead investigative agencies. This system shall enable the commissioner of human services to track critical steps in the reporting, evaluation, referral, response, disposition, investigation, notification, determination, and appeal processes.

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

Delete the title and insert:

"A bill for an act relating to health; modifying health data provisions; changing requirements for establishment of a common entry point; establishing registration of automatic external defibrillators; modifying stroke center criteria; changing the prescription monitoring program; establishing immunity from civil liability for use of opiate antagonists; modifying background study requirements; amending Minnesota Statutes 2012, sections 62U.04, subdivision 4, by adding a subdivision; 152.126, as amended; Minnesota Statutes 2013 Supplement, sections 144.493, subdivisions 1, 2; 256N.21, by adding a subdivision; 626.557, subdivision 9; proposing coding for new law in Minnesota Statutes, chapters 403; 604A."

With the recommendation that when so amended the bill be re-referred to the Committee on Health and Human Services Policy.

The report was adopted.

Mullery from the Committee on Early Childhood and Youth Development Policy to which was referred:

H. F. No. 2115, A bill for an act relating to human services; establishing a child care professional development pilot project; requiring a report; appropriating money; repealing Minnesota Statutes 2012, section 119B.09, subdivision 9a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 119B.09, subdivision 9a, is amended to read:

Subd. 9a. **Child care centers; assistance.** (a) For the purposes of this subdivision, "qualifying child" means a child who satisfies both of the following:

- (1) is not a child or dependent of an employee of the child care provider; and
- (2) does not reside with an employee of the child care provider.

(b) Funds distributed under this chapter must not be paid for child care services that are provided for a child by a child care provider who employs either the parent of the child or a person who resides with the child, unless at all times at least 50 percent of the children for whom the child care provider is providing care are qualifying children under paragraph (a).

(c) If a child care provider satisfies the requirements for payment under paragraph (b), but the percentage of qualifying children under paragraph (a) for whom the provider is providing care falls below 50 percent, the provider shall have four weeks to raise the percentage of qualifying children for whom the provider is providing care to at least 50 percent before payments to the provider are discontinued for child care services provided for a child who is not a qualifying child.

(d) This subdivision is suspended effective the day following final enactment and is reinstated effective July 1, 2016.

Sec. 2. **CHILD CARE PROFESSIONAL DEVELOPMENT PILOT PROJECT; APPROPRIATION.**

(a) \$..... is appropriated in fiscal year 2015 to the commissioner of human services to enable the commissioner to award a contract to the Child Care Resource and Referral Network to establish a pilot project to increase the availability of high quality, culturally competent child care in Minnesota. The project must include at least four child care centers, two in the seven-county metropolitan area and two in greater Minnesota that serve new Americans. For purposes of this section, "culturally competent" means knowledge as to the home language, culture, and care of the child or children. This appropriation is available until expended.

(b) The pilot project shall be designed to provide in-service training, coursework, and salary increases for child care workers employed in facilities licensed by the commissioner of human services under Minnesota Rules, chapter 9503. The program shall be designed to support child care workers through training and coaching approved through the Minnesota Center for Professional Development. The project shall also include hands-on experience to meet licensure requirements under Minnesota Rules, chapter 9503, and increase the education and competency levels of the child care workforce. Activities shall be carried out in coordination with other existing supports for professional development pathways for child care workers. The project shall be designed to train child care workers to qualify as teacher aides, assistant teachers, and teachers in a career-lattice model of sequenced professional development.

(c) The commissioner shall evaluate the pilot project and shall present a report to the legislature by February 15, 2017. The report shall contain recommendations on the feasibility of establishing a statewide apprenticeship program for training child care workers.

Sec. 3. **DIRECTION TO COMMISSIONER.**

(a) The commissioner of human services shall contract with an agency skilled in cross-cultural competencies to analyze and evaluate the following:

(1) the economic impact of enforcing Minnesota Statutes, section 119B.09, subdivision 9a;

(2) the cultural assets of the existing new Americans child care center models;

(3) the educational achievement record of children participating in the existing new Americans child care center models; and

(4) the jobs and job advancement opportunities created for parents active in the existing new Americans child care center models.

(b) The commissioner shall report the findings of the evaluation and report to the chairs and ranking minority members of the legislative committees with jurisdiction over early childhood education and health and human services policy and finance by January 15, 2016."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "temporarily suspending a provision governing eligibility of child care centers for child care assistance;"

Correct the title numbers accordingly

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

The report was adopted.

Hilstrom from the Committee on Judiciary Finance and Policy to which was referred:

H. F. No. 2288, A bill for an act relating to public safety; requiring law enforcement to secure a search warrant in order to receive cell phone tracking data; amending Minnesota Statutes 2012, section 626A.28, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 626A.

Reported the same back with the following amendments:

Page 2, line 3, delete "search warrant" and insert "court order"

Page 2, line 24, delete "Search warrant" and insert "Court order"

Page 2, line 26, delete "search warrant" and insert "court order" and delete "warrant" and insert "court order"

Page 2, line 29, delete everything after the first "a" and insert "crime."

Page 2, delete line 30

Page 2, line 31, delete "search warrant" and insert "court order"

Page 3, line 7, delete "search warrant" and insert "court order"

Page 3, line 10, delete "warrant" and insert "court order"

Page 3, line 14, delete "search warrants" and insert "court orders"

Pages 3 to 4, delete subdivisions 4 and 5 and insert:

"Subd. 4. **Notice; temporary nondisclosure of order.** (a) Within a reasonable time but not later than 90 days after the court unseals the order under this subdivision, the issuing or denying judge shall cause to be served on the persons named in the order and the application an inventory which shall include notice of:

(1) the fact of the issuance of the order or the application;

(2) the date of the issuance and the period of authorized, approved, or disapproved collection of location information, or the denial of the application; and

(3) the fact that during the period location information was or was not intercepted.

(b) An order authorizing collection of location information must direct that:

(1) the order be sealed for a period of 90 days or until the objective of the order has been accomplished, whichever is shorter; and

(2) the order be filed with the court administrator within ten days of the expiration of the order.

(c) The prosecutor may request that the order, supporting affidavits, and any order granting the request not be filed. An order must be issued granting the request in whole or in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable grounds exist to believe that filing the order may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation.

(d) The order must direct that following the commencement of any criminal proceeding utilizing evidence obtained in or as a result of the search, the supporting application or affidavit must be filed either immediately or at any other time as the court directs. Until such filing, the documents and materials ordered withheld from filing must be retained by the judge or the judge's designee.

Subd. 5. **Report concerning collection of location information.** (a) At the same time as notice is provided under subdivision 4, the issuing or denying judge shall report to the state court administrator:

(1) the fact that an order or extension was applied for;

(2) the fact that the order or extension was granted as applied for, was modified, or was denied;

(3) the period of collection authorized by the order, and the number and duration of any extensions of the order;

(4) the offense specified in the order or application, or extension of an order;

(5) whether the collection required contemporaneous monitoring of an electronic device's location; and

(6) the identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application.

(b) On or before November 15 of each even-numbered year, the state court administrator shall transmit to the legislature a report concerning: (1) all orders authorizing the collection of location information during the two previous calendar years; and (2) all applications that were denied during the two previous calendar years. Each report shall include a summary and analysis of the data required to be filed under this subdivision. The report is public and must be available for public inspection at the Legislative Reference Library and the state court administrator's office and Web site."

Amend the title as follows:

Page 1, line 2, delete "search warrant" and insert "court order"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Lesch from the Committee on Civil Law to which was referred:

H. F. No. 2307, A bill for an act relating to health; providing for drug and alcohol overdose prevention and medical assistance; limiting liability; amending Minnesota Statutes 2012, sections 144E.101, subdivision 6; 151.37, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 604A; 631.

Reported the same back with the following amendments:

Page 3, line 24, after the period, insert "This subdivision does not apply if the licensed health care professional is acting during the course of regular employment and receiving compensation or expecting to receive compensation for those actions."

Page 3, delete section 4 and insert:

"Sec. 4. **[604A.05] GOOD SAMARITAN OVERDOSE MEDICAL ASSISTANCE.**

Subdivision 1. Person seeking medical assistance; immunity from prosecution. A person acting in good faith who seeks medical assistance for another person who is experiencing a drug overdose may not be arrested, charged, prosecuted, or penalized, or have that person's property subject to civil forfeiture for the possession, sharing, or use of a controlled substance or drug paraphernalia; or a violation of a condition of pretrial release, probation, furlough, supervised release, or parole. A person qualifies for the immunities provided in this subdivision only if: (1) the evidence for the arrest, charge, prosecution, seizure, or penalty was obtained as a result of the person's seeking medical assistance for another person; and (2) the person seeks medical assistance for another person who is in need of medical assistance for an immediate health or safety concern, provided that the person who seeks the medical assistance is the first person to seek the assistance, provides the person's name and contact information, remains on the scene until assistance arrives and is provided, and cooperates with the authorities.

Subd. 2. **Person experiencing an overdose; immunity from prosecution.** A person who experiences a drug overdose and is in need of medical assistance may not be arrested, charged, prosecuted, or penalized, or have that person's property subject to civil forfeiture for: (1) the possession of a controlled substance or drug paraphernalia; or (2) a violation of a condition of pretrial release, probation, furlough, supervised release, or parole. A person qualifies for the immunities provided in this subdivision only if the evidence for the arrest, charge, prosecution, seizure, or penalty was obtained as a result of the drug overdose and the need for medical assistance.

Subd. 3. **Effect on other criminal prosecutions.** (a) The immunity provisions of this section do not preclude prosecution of the person on the basis of evidence obtained from an independent source.

(b) The act of providing first aid or other medical assistance to someone who is experiencing a drug overdose may be used as a mitigating factor in a criminal prosecution for which immunity is not provided.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to actions arising from incidents occurring on or after that date."

Amend the title as follows:

Page 1, line 2, delete "and alcohol"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Atkins from the Committee on Commerce and Consumer Protection Finance and Policy to which was referred:

H. F. No. 2406, A bill for an act relating to debt collection; regulating debt buyers; amending Minnesota Statutes 2012, section 332.31, subdivisions 3, 6.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Dill from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 2439, A bill for an act relating to natural resources; dedicating unclaimed lottery prize money for acquisition of certain school trust lands; providing for condemnation of school trust lands to be acquired; appropriating money; amending Minnesota Statutes 2012, section 349A.08, subdivision 5; Minnesota Statutes 2013 Supplement, section 94.165, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 92.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Environment, Natural Resources and Agriculture Finance.

The report was adopted.

Dill from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 2564, A bill for an act relating to solid waste; establishing statewide source reduction goal; expanding definition of recycling; requiring recycling in certain sports facilities and commercial buildings; amending county recycling goals in metropolitan area; appropriating money; amending Minnesota Statutes 2012, sections 115A.151; 115A.55, subdivision 4; 115A.551, subdivisions 1, 2a; 297H.13, subdivision 1, by adding a subdivision; repealing Minnesota Statutes 2012, sections 115A.551, subdivision 2; 297H.13, subdivision 2.

Reported the same back with the following amendments:

Page 3, line 3, strike "yard waste," and delete the new language

Page 3, line 4, delete the new language

Page 3, line 14, reinstate the comma and delete the colon and insert "75"

Page 3, lines 15 and 16, delete the new language

With the recommendation that when so amended the bill be re-referred to the Committee on Environment, Natural Resources and Agriculture Finance.

The report was adopted.

Paymar from the Committee on Public Safety Finance and Policy to which was referred:

H. F. No. 2574, A bill for an act relating to public safety; modifying and clarifying predatory offender registration requirements; clarifying sentence for crime of criminal sexual conduct in the third degree; amending Minnesota Statutes 2012, section 609.344, subdivisions 1, 2; Minnesota Statutes 2013 Supplement, section 243.166, subdivisions 1b, 3a, 4, 6.

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

The report was adopted.

Atkins from the Committee on Commerce and Consumer Protection Finance and Policy to which was referred:

H. F. No. 2598, A bill for an act relating to commerce; updating the Minnesota Liens on Personal Property in Self-Service Storage Act; amending Minnesota Statutes 2012, sections 514.971, subdivisions 2, 7, 8, by adding a subdivision; 514.973; 514.975; 514.976, by adding a subdivision; repealing Minnesota Statutes 2012, section 514.976, subdivisions 1, 2, 3, 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 514.971, subdivision 2, is amended to read:

Subd. 2. **Self-service storage facility.** ~~"Self-service storage facility" means real property that is designed and used only for renting or leasing individual storage space in the facility under the following conditions:~~

~~(1) the occupants have access to their individual storage space only for the purpose of storing and removing their personal property;~~

~~(2) the owner does not issue a warehouse receipt, bill of lading, or other document of title for the personal property stored in the storage space; and~~

~~(3) the property has two or more individual storage spaces.~~

~~The term does not include a garage used principally for parking motor vehicles or any property of a financial institution that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the financial institution's customers.~~

(a) "Self-service storage facility" or "storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access for the purpose of storing and removing personal property. The term does not include:

(1) any property of a financial institution that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the financial institution's customers;

(2) a warehouse that issues a warehouse receipt, bill of lading, or other document of title for the property; or

(3) a commercial parking garage or parking lot that provides short-term motor vehicle parking.

(b) No occupant shall use a self-service storage facility for residential purposes.

Sec. 2. Minnesota Statutes 2012, section 514.971, subdivision 7, is amended to read:

Subd. 7. **Default.** "Default" means failure of the occupant to pay the rent and other charges becoming due under the rental agreement within ~~15~~ ten days after the rents and other charges become due under the terms of the rental agreement.

Sec. 3. Minnesota Statutes 2012, section 514.971, subdivision 8, is amended to read:

Subd. 8. **Storage space.** ~~"Storage space" means an enclosure, cubicle, or room that is fully enclosed and equipped with a door designed to be locked for security by the occupant~~ the storage space or spaces at the storage facility that are rented to an occupant pursuant to a rental agreement.

Sec. 4. Minnesota Statutes 2012, section 514.971, is amended by adding a subdivision to read:

Subd. 10. **Verified mail.** "Verified mail" means any method of mailing that is offered by the United States Postal Service or private delivery service that provides evidence of mailing.

Sec. 5. Minnesota Statutes 2012, section 514.972, subdivision 4, is amended to read:

Subd. 4. **Denial of access.** Upon default, the owner shall mail notice of default ~~to the occupant at the last known address of the occupant as provided under section 514.974.~~ The owner may deny the occupant access to the personal property contained in the self-service storage facility after default, service of the notice of default, ~~expiration of the date stated for denial of access,~~ and application of any security deposit to unpaid rent. The notice

of default must state the date that the occupant will be denied access to the occupant's personal property in the self-service storage facility and that access will be denied until the owner's claim has been satisfied. The notice of default must state that any dispute regarding denial of access can be raised by the occupant beginning legal action in court. Notice of default must further state the rights of the occupant contained in subdivision 5.

Sec. 6. Minnesota Statutes 2012, section 514.972, subdivision 5, is amended to read:

Subd. 5. **Access to certain items.** (a) Upon demand to any of the persons listed in section 514.976, subdivision 1, the occupant may remove from the self-service storage facility:

(1) personal papers, ~~health aids, and~~ personal clothing of the occupant and the occupant's dependents, ~~and personal property that is necessary for the livelihood of the occupant,~~ that has a market value of less than \$50 \$75 per item, ~~if demand is made to any of the persons listed in section 514.976, subdivision 1.~~

(2) personal property that is necessary for the livelihood of the occupant, including tools, machines, and instruments of trade not exceeding the value listed in section 550.37, subdivision 6; and

(3) health aids and durable medical equipment, regardless of value.

(b) The occupant shall present a list of the items, and may remove them during the facility's ordinary business hours prior to the sale authorized by section 514.973. The total market value of property removed under subdivisions 1 and 2 cannot exceed \$250. If the owner unjustifiably denies the occupant access for the purpose of removing the items specified in this subdivision, the occupant is entitled to an order allowing access to the storage unit for removal of the specified items. The self-service storage facility is liable to the occupant for the costs, disbursements and attorney fees ~~expended by the occupant~~ to obtain this order.

(c) The provisions of this subdivision may not be waived or modified.

(d) Only natural persons are entitled to access to certain items under this subdivision.

Sec. 7. Minnesota Statutes 2012, section 514.973, is amended to read:

514.973 ENFORCEMENT OF LIEN.

Subdivision 1. **Generally.** An owner's lien established under sections 514.970 to 514.979 for a claim that has become due must be enforced ~~in the same manner as warehouse's liens under section 336.7 210.~~ as provided in this section.

Subd. 2. **Notice; to whom and how sent.** (a) The occupant and any person who has delivered written notice of a claim of an interest in the contents in the storage space to the owner shall be notified when rent and other charges are in default.

(b) The notice must be delivered in person or sent by verified mail as provided under section 514.974. Notice sent by verified mail is presumed delivered when it is deposited with the United States Postal Service or private delivery service, and properly addressed with postage prepaid.

(c) The owner must obtain the informed, written consent of the occupant to send notices exclusively via electronic mail. An occupant may withdraw consent at any time. The owner may not notify the occupant of the default by electronic mail unless the rental agreement, or a written change to the rental agreement, contains a written notice in at least 12-point bold type, if printed, which states: "By choosing the option to receive e-mail communication in this agreement, the owner will provide you notices and other information regarding your account through the e-mail reflected in our records, or in a subsequent written change of e-mail address that has been given according to the facility's procedures."

(d) The owner must verify that a notice sent by electronic mail has been delivered by obtaining an electronic receipt that establishes delivery of the notice to the occupant's e-mail address. If delivery of the electronic mail notice cannot be verified, the storage facility must deliver the notice in person or send the notice by verified mail. If the notice must be delivered in person or sent by verified mail after delivery by electronic mail has failed, the period specified in subdivision 3 shall not begin until the date the notice is delivered in person or by verified mail.

Subd. 3. Content of notice. The notice shall include:

(1) a statement of the amount owed for rent and other charges and demand for payment within a specified time not less than 14 days after delivery of the notice;

(2) pursuant to section 514.972, subdivision 4, a notice of denial of access to the storage space, if this denial is permitted under the terms of the rental agreement;

(3) the name, street address, and telephone number of the owner, or of the owner's designated agent, whom the occupant may contact to respond to this notice;

(4) a conspicuous statement that unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale. The notice shall specify the time and place of the sale; and

(5) a conspicuous statement of the items that the occupant may remove without charge pursuant to section 514.972, subdivision 5, if the occupant is denied general access to the storage space.

Subd. 4. Sale of property. (a) A sale of personal property, other than the sale of a motor vehicle or a watercraft, may take place no sooner than 45 days after default. Motor vehicles or watercrafts may only be removed or sold pursuant to subdivision 7.

(b) After the expiration of the time given in the notice, the sale must be published once a week for two weeks consecutively in a newspaper of general circulation where the sale is to be held. The sale may take place no sooner than 15 days after the first publication. If the lien is satisfied before the second publication occurs, the second publication is waived. If there is no qualified newspaper under chapter 331A where the sale is to be held, the advertisement may be posted on an independent, publicly accessible Web site that advertises self storage lien sales or public notices. The advertisement must include a description of the goods, the name of the person on whose account the goods are being held, and the time and place of the sale.

(c) A sale of the personal property must conform to the terms of the notification.

(d) A sale of the personal property must be public and must be held at the storage facility, or at the nearest suitable place at which the personal property is held or stored. Online sales are permitted. Owners shall require all bidders, including online bidders, to register and agree to the rules of the sale.

(e) The sale must be conducted in a commercially reasonable manner. A sale is commercially reasonable if the property is sold in conformity with the practices among dealers in the property sold or sellers of similar distressed property sales.

Subd. 5. Averting the sale. Before any sale pursuant to this section is conducted, any person claiming a right to the personal property may redeem the property by paying the amount sufficient to satisfy the lien and the reasonable expenses incurred complying with this section. If sufficient payment is made, the personal property may not be sold.

Subd. 6. Surplus. A storage facility may satisfy its lien from the proceeds of any sale pursuant to this section, provided that the storage facility must hold any sum obtained from the sale that exceeds the amount sufficient to satisfy the lien and the reasonable expenses incurred complying with this section for delivery on demand to the

occupant and give notice to the occupant of the occupant's right to the funds as provided in section 514.974. Any balance remaining unclaimed by the occupant for more than one year after the sale of the goods must be deposited into the state unclaimed property funds account under sections 345.31 to 345.60.

Subd. 7. **Special procedures for motor vehicles.** (a) Notwithstanding any law, rule, or regulation to the contrary, if the personal property upon which the lien is claimed is a motor vehicle or watercraft, and rent and other charges related to the property are in default for 60 consecutive days, the owner may sell the motor vehicle or watercraft as provided in this section or have the motor vehicle or watercraft towed by a towing company.

(b) The owner's lien is terminated upon the towing company taking possession of the property.

(c) If a motor vehicle or watercraft is towed as authorized in this subdivision, the owner shall:

(1) send, by the method provided under subdivision 2, the name, address, and telephone number of the towing company that will perform the towing and the street address of the storage facility where the towed property can be redeemed; and

(2) not be liable for the motor vehicle or watercraft or any damages to the motor vehicle or watercraft once the towing company takes possession of the property. Nothing in this section relieves the towing company from liability for damage for which they would otherwise be liable.

Subd. 8. **Liability for damage.** An occupant injured by a violation of this section may bring a civil action to recover damages.

Subd. 9. **No effect on other rights.** The rights provided under this section are in addition to all other rights allowed by law to a creditor and a debtor.

Sec. 8. Minnesota Statutes 2012, section 514.974, is amended to read:

514.974 ADDITIONAL NOTIFICATION REQUIREMENT.

~~In addition to the requirements of section 336.7 210, the~~ Notification of the proposed sale of personal property must include a notice of denial of access to the personal property until the owner's claim has been satisfied. Any notice the owner is required to mail to the occupant under sections 514.970 to 514.979 shall be sent to:

(1) the e-mail address provided by occupant, as provided in section 514.973, subdivision 2;

(2) the mailing address and ~~the~~ any alternate mailing address provided by the occupant in the rental agreement-; or

(3) the last known mailing address of the occupant, if the last known mailing address differs from the mailing address listed by the occupant in the rental agreement and the owner has reason to believe that the last known mailing address is more current.

Sec. 9. Minnesota Statutes 2012, section 514.975, is amended to read:

514.975 RENTAL AGREEMENTS.

Subdivision 1. **Disclosure.** The rental agreement between the owner and the occupant must include a disclosure of the lien rights of the owner upon failure of the occupant to pay rent including the right to deny access to certain personal property contained in the self-service storage facility, and the extent and the limits of insurance carried by the owner covering the occupant's personal property stored in the leased premises. A rental agreement may not

exempt an owner from liability for damages to an occupant's personal property caused by the owner's negligence. ~~The rental agreement must request the occupant to insert an alternate mailing address. A rental agreement must contain a provision that allows the occupant to provide an optional alternate contact person. The alternate contact person is used solely for purposes of providing notice of default under section 514.973. Adding an alternate contact does not give that contact interest in the contents of the storage space.~~

Subd. 2. **Value of stored property.** If the rental agreement entered into between the owner and the occupant contains a provision placing a limit on the value of property that may be stored in the occupant's space, this limit is the maximum value of the stored property, provided that the provision is printed in bold type or underlined in the rental agreement. The limit on value of property may not be less than \$1,000.

Subd. 3. **Military protections.** A rental agreement or an application for a rental agreement must contain a provision disclosing whether the applicant is a member of the uniformed services as the term is defined in United States Code, title 10, section 101(a)(5).

Sec. 10. **EFFECTIVE DATE.**

Sections 1 to 9 are effective August 1, 2014, and apply to personal property put in self-service storage on or after that date."

Delete the title and insert:

"A bill for an act relating to commerce; updating the laws regulating liens on personal property in self-storage; amending Minnesota Statutes 2012, sections 514.971, subdivisions 2, 7, 8, by adding a subdivision; 514.972, subdivisions 4, 5; 514.973; 514.974; 514.975."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Poppe from the Committee on Agriculture Policy to which was referred:

H. F. No. 2619, A bill for an act relating to agriculture finance; appropriating money for the Forever Green Agriculture Initiative at the University of Minnesota.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Environment, Natural Resources and Agriculture Finance.

The report was adopted.

Dill from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 2622, A bill for an act relating to clean water; abolishing the privatization of water or wastewater treatment law; amending Minnesota Statutes 2012, sections 116.18, subdivision 3b; 469.153, subdivision 2; repealing Minnesota Statutes 2012, sections 13.202, subdivision 10; 115.58, subdivision 2; 272.02, subdivision 63; 471A.01; 471A.02, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16; 471A.03; 471A.05; 471A.06; 471A.08; 471A.09; 471A.10; 471A.11; 471A.12.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Atkins from the Committee on Commerce and Consumer Protection Finance and Policy to which was referred:

H. F. No. 2651, A bill for an act relating to game and fish; allowing legally taken deer to be used in a contest in conjunction with a raffle; proposing coding for new law in Minnesota Statutes, chapter 97B.

Reported the same back with the following amendments:

Page 1, line 7, delete "licensed" and insert "permitted under this section and authorized"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Erhardt from the Committee on Transportation Policy to which was referred:

H. F. No. 2663, A bill for an act relating to metropolitan government; repealing obsolete provisions governing the Metropolitan Council; making certain conforming technical changes; amending Minnesota Statutes 2012, sections 473.123, subdivision 4; 473.125; 473.129, subdivisions 6, 12; 473.173, subdivision 2; 473.181, subdivision 2; 473.254, subdivisions 3a, 4, 5; 473.315, subdivision 1; 473.375, subdivision 11; 473.39, subdivision 1e; 473.391, subdivision 1; 473.405, subdivision 5; 473.42; 473.504, subdivisions 5, 11; 473.858, subdivision 1; 473.859, subdivision 6; 473.861, subdivision 2; 473.862, subdivision 2; repealing Minnesota Statutes 2012, sections 473.123, subdivision 7; 473.13, subdivision 1c; 473.23; 473.241; 473.243; 473.244; 473.254, subdivision 3; 473.315, subdivision 2; 473.326; 473.333; 473.375, subdivision 9; 473.382; 473.388, subdivision 8; 473.392; 473.516, subdivision 5; 473.523, subdivision 2; 473.535; 473.852, subdivision 11; Minnesota Statutes 2013 Supplement, section 473.517, subdivision 9.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Hilstrom from the Committee on Judiciary Finance and Policy to which was referred:

H. F. No. 2722, A bill for an act relating to family law; making changes to custody and parenting time provisions; amending Minnesota Statutes 2012, sections 518.17, subdivision 2; 518.175, subdivisions 1, 5.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Atkins from the Committee on Commerce and Consumer Protection Finance and Policy to which was referred:

H. F. No. 2858, A bill for an act relating to transportation; amending regulation of limousines; amending Minnesota Statutes 2012, sections 65B.135; 168.002, subdivision 15; 168.128, subdivisions 2, 3; 221.84, subdivision 1.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Hilstrom from the Committee on Judiciary Finance and Policy to which was referred:

H. F. No. 2882, A bill for an act relating to human services; modifying provisions governing the administration of neuroleptic medication to persons subject to civil commitment; establishing a pilot program; amending Minnesota Statutes 2012, sections 253B.07, subdivision 7; 253B.09, subdivision 2; 253B.092, subdivision 2.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Huntley from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 2885, A bill for an act relating to human services; providing a nursing facility rate adjustment; amending Minnesota Statutes 2013 Supplement, section 256B.441, subdivision 53.

Reported the same back with the following amendments:

Page 2, line 15, delete "section 2, subdivision 3" and insert "subdivision 64"

Page 2, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2012, section 256B.441, is amended by adding a subdivision to read:

Subd. 64. **Rate adjustment for compensation-related costs.** (a) Total payment rates of all nursing facilities that are reimbursed under this section or section 256B.434 shall be increased effective October 1, 2014, to address compensation costs for nursing facility employees paid less than \$14 per hour.

(b) Based on the application in paragraph (d), the commissioner shall calculate the annualized compensation costs by adding the totals of clauses (1), (2), and (3). The result must be divided by the resident days from the most recently available cost report to determine a per diem amount, which must be included in the external fixed-cost portion of the total payment rate under subdivision 53:

(1) the sum of the difference between \$9.50 and any hourly wage rate of less than \$9.50, multiplied by the number of compensated hours at that wage rate;

(2) the sum of items (i) to (viii):

(i) for all compensated hours from \$8 to \$8.49 per hour, the number of compensated hours is multiplied by \$0.13;

(ii) for all compensated hours from \$8.50 to \$8.99 per hour, the number of compensated hours is multiplied by \$0.25;

(iii) for all compensated hours from \$9 to \$9.49 per hour, the number of compensated hours is multiplied by \$0.38;

(iv) for all compensated hours from \$9.50 to \$10.49 per hour, the number of compensated hours is multiplied by \$0.50;

(v) for all compensated hours from \$10.50 to \$10.99 per hour, the number of compensated hours is multiplied by \$0.40;

(vi) for all compensated hours from \$11 to \$11.49 per hour, the number of compensated hours is multiplied by \$0.30;

(vii) for all compensated hours from \$11.50 to \$11.99 per hour, the number of compensated hours is multiplied by \$0.20; and

(viii) for all compensated hours from \$12 to \$13 per hour, the number of compensated hours is multiplied by \$0.10; and

(3) the sum of the employer's share of FICA taxes, Medicare taxes, state and federal unemployment taxes, workers' compensation, pensions, and contributions to employee retirement accounts attributable to the amounts in clauses (1) and (2).

(c) For the rate year beginning October 1, 2014, nursing facilities that receive approval of the application in paragraph (d) must receive a rate adjustment according to paragraph (b). The rate adjustment must be used to pay compensation costs for nursing facility employees paid less than \$14 per hour. The rate adjustment must continue to be included in the total payment rate in subsequent years.

(d) To receive a rate adjustment, nursing facilities must submit an application to the commissioner in a form and manner determined by the commissioner. The application shall include data for a period beginning with the first pay period after January 1, 2015, including at least three months of employee compensated hours by wage rate, and a spending plan that describes how the funds from the rate adjustment will be allocated for compensation to employees paid less than \$14 per hour. The application must be submitted by December 31, 2014. The commissioner may request any additional information needed to determine the rate adjustment within three weeks of receiving a complete application. The nursing facility must provide any additional information requested by the commissioner by March 31, 2015. The commissioner may waive the deadlines in this subdivision under extraordinary circumstances.

(e) For nursing facilities in which employees are represented by an exclusive bargaining representative, the commissioner shall approve the application submitted under this subdivision only upon receipt of a letter of acceptance of the spending plan in regard to members of the bargaining unit, signed by the exclusive bargaining agent and dated after May 31, 2014. Upon receipt of the letter of acceptance, the commissioner shall deem all requirements of this subdivision as having been met in regard to the members of the bargaining unit."

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Labor, Workplace and Regulated Industries.

The report was adopted.

Paymar from the Committee on Public Safety Finance and Policy to which was referred:

H. F. No. 2953, A bill for an act relating to corrections; eliminating the requirement of contiguous counties from qualifications for a grant for the delivery of correctional services; amending Minnesota Statutes 2012, section 401.02, subdivision 1.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Erhardt from the Committee on Transportation Policy to which was referred:

H. F. No. 2961, A bill for an act relating to game and fish; modifying disability-related angling and hunting licenses and special permit provisions; providing for designations on a driver's license and Minnesota identification card; amending Minnesota Statutes 2012, sections 97A.441, subdivisions 1, 5; 97B.031, subdivision 5; 97B.055, subdivision 3; 97B.106, subdivision 1; 97B.111, subdivision 1; 171.07, subdivision 15, by adding subdivisions; Minnesota Statutes 2013 Supplement, section 97A.441, subdivisions 6, 6a.

Reported the same back with the following amendments:

Page 6, line 31, delete "designations" and insert "designation" and delete "(a)"

Page 7, line 1, delete everything after "designation" and insert "based on the following:"

Page 7, delete line 2

Page 7, delete section 11

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Environment, Natural Resources and Agriculture Finance.

The report was adopted.

Erhardt from the Committee on Transportation Policy to which was referred:

H. F. No. 3072, A bill for an act relating to transportation; modernizing provisions relating to traffic regulations and motor vehicles; eliminating certain reporting requirements; clarifying distribution of motor vehicle sales tax revenues; eliminating antiquated, unnecessary, and obsolete provisions; making conforming changes; amending Minnesota Statutes 2012, sections 168.056; 168.10, subdivision 1b; 169.685, subdivision 7; 169.751; 297B.09, subdivision 1; repealing Minnesota Statutes 2012, sections 168.0422; 168.055; 168A.20, subdivision 1a; 169.11; 169.36; 169.39; 169.725; 169.743; 169.754; 169.78; 169.7961; 169.983; 169A.60, subdivision 18; 171.28; 299D.02; 299D.04; 299D.05; 609B.202; Minnesota Rules, part 7409.4700, subpart 2.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Atkins from the Committee on Commerce and Consumer Protection Finance and Policy to which was referred:

H. F. No. 3089, A bill for an act relating to commerce; regulating the sale of certain products containing triclosan; establishing labeling requirements; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[325F.1791] CERTAIN ANTIBACTERIAL PRODUCTS; SALE PERMITTED UNDER CERTAIN CIRCUMSTANCES.**

Subdivision 1. Generally. A person may offer for sale in Minnesota a product that contains only trace amounts of triclosan, triclocarban, or similar antibacterial compounds and may label the product as "triclosan free."

Subd. 2. Exception. Subdivision 1 applies only if the trace amounts of triclosan, triclocarban, or similar antibacterial compounds referenced in subdivision 1 were caused by the raw materials or the manufacturing process and were not added by the seller.

EFFECTIVE DATE. This section is effective January 1, 2015, and applies to products offered for sale or sold on or after that date."

Delete the title and insert:

"A bill for an act relating to commerce; providing consumer protection; permitting products that contain triclosan or similar antibacterial compounds to be labeled as "triclosan free" only under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 325F."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 291, 1226, 1335, 1851, 1898, 2288, 2307, 2406, 2598, 2622, 2651, 2663, 2722, 2858, 2882, 2953, 3072 and 3089 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Huntley introduced:

H. F. No. 3251, A bill for an act relating to human services; modifying requirements for positive support strategies and emergency manual restraint; modifying rulemaking authority; amending Minnesota Statutes 2013 Supplement, section 245.8251; repealing Minnesota Statutes 2012, section 245.825, subdivisions 1, 1b; Minnesota Statutes 2013 Supplement, sections 245D.02, subdivisions 2b, 2c, 3b, 5a, 8a, 15a, 15b, 23b, 28, 29, 34a; 245D.06, subdivisions 5, 6, 7, 8; 245D.061, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9; Minnesota Rules, parts 9525.2700; 9525.2810.

The bill was read for the first time and referred to the Committee on Government Operations.

Anzelc introduced:

H. F. No. 3252, A bill for an act relating to economic development; providing an ICF/DD rate increase to cover expenses related to a minimum wage increase; amending Minnesota Statutes 2012, section 256B.5012, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Beard and Albright introduced:

H. F. No. 3253, A bill for an act relating to eminent domain; modifying appraisal and attorney fee requirements; amending Minnesota Statutes 2012, sections 117.031; 117.036, subdivisions 2, 4.

The bill was read for the first time and referred to the Committee on Civil Law.

Lien, Nornes, Marquart, McNamar, Franson and Erickson, R., introduced:

H. F. No. 3254, A bill for an act relating to economic development; mandating a study and report on North Dakota oil production and economic impacts in Minnesota; appropriating money.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance and Policy.

Sanders and Newberger introduced:

H. F. No. 3255, A bill for an act relating to elections; requiring candidates for federal office to agree to uphold and assert rights and privileges provided in the Constitution of the United States and the Constitution of the state of Minnesota; amending Minnesota Statutes 2012, section 204B.06, subdivision 4.

The bill was read for the first time and referred to the Committee on Elections.

Hoppe and Davids introduced:

H. F. No. 3256, A bill for an act relating to taxation; sales and use; clarifying the definition of retail sales as it relates to fiber optic and communication cable; amending Minnesota Statutes 2013 Supplement, section 297A.61, subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

Nornes introduced:

H. F. No. 3257, A bill for an act relating to capital investment; appropriating money for a trail linking the cities of Perham and Pelican Rapids; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Environment, Natural Resources and Agriculture Finance.

Nornes introduced:

H. F. No. 3258, A bill for an act relating to natural resources; allowing certain vehicle use by hunters in state forests in August; amending Minnesota Statutes 2012, section 84.926, subdivisions 2, 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Dehn, R.; Fischer; Savick and Ward, J.A., introduced:

H. F. No. 3259, A bill for an act relating to public safety; providing for a study of the total economic costs of violence and a report to the legislature; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Hornstein introduced:

H. F. No. 3260, A bill for an act relating to transportation finance; modifying certain appropriations and transfers; amending Laws 2013, chapter 117, article 1, section 3, subdivisions 2, 3, 6.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Hornstein introduced:

H. F. No. 3261, A bill for an act relating to transportation finance; modifying certain appropriations and transfers; amending Laws 2010, chapter 189, section 15, subdivision 12; Laws 2012, chapter 287, article 2, section 1; Laws 2012, First Special Session chapter 1, article 1, section 28.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Green introduced:

H. F. No. 3262, A bill for an act relating to taxation; property; extending the time period for refunds of overpaid property taxes; amending Minnesota Statutes 2012, section 375.192, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

McNamar; Ward, J.E., and Anderson, P., introduced:

H. F. No. 3263, A bill for an act relating to transportation; capital investment; appropriating money for certain trunk highway projects of regional significance; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Atkins introduced:

H. F. No. 3264, A bill for an act relating to state government; appropriating money to the Minnesota Racing Commission.

The bill was read for the first time and referred to the Committee on Commerce and Consumer Protection Finance and Policy.

Faust and Hamilton introduced:

H. F. No. 3265, A bill for an act relating to agriculture; providing an exemption from the prohibition on business farming or businesses owning or leasing farmland; amending Minnesota Statutes 2012, section 500.24, subdivisions 2, 3.

The bill was read for the first time and referred to the Committee on Agriculture Policy.

Hansen and Wagenius introduced:

H. F. No. 3266, A bill for an act relating to natural resources; appropriating money for a report on cattail control.

The bill was read for the first time and referred to the Committee on Environment, Natural Resources and Agriculture Finance.

Murphy, E., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Winkler was excused for the remainder of today's session.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1455, A bill for an act relating to local government; making the Blue Earth County library board advisory to the county board.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2647, A bill for an act relating to higher education; modernizing, streamlining, and clarifying various statutes; eliminating unnecessary or redundant laws and rules; deleting obsolete language and unnecessary verbiage; amending Minnesota Statutes 2012, sections 135A.051, subdivision 3; 135A.14, subdivision 6a; 136A.002; 136A.01, as amended; 136A.05, subdivision 1; 136A.06; 136A.08, subdivisions 2, 7; 136A.101, subdivisions 7, 7a, 7b, by adding a subdivision; 136A.121, subdivisions 2, 9; 136A.125, subdivision 1; 136A.126, subdivisions 2, 4; 136A.1311; 136A.15, subdivision 8; 136A.16, subdivisions 1, 5; 136A.162; 136A.1701, subdivision 1; 136A.171; 136A.232; 136A.233, subdivisions 1, 4; 136A.65, subdivision 6; 136A.685; 136A.861, subdivision 6; 136F.01; 136F.02, subdivision 1; 136F.03, subdivision 1; 136F.04, subdivision 2; 136F.045; 136F.05; 136F.10; 136F.12; 136F.14; 136F.18; 136F.23; 136F.28, subdivision 1; 136F.48; 136F.482; 136F.581, subdivision 1; 136F.60, subdivision 1; 136F.65; 136F.705; 136F.90, subdivision 1; 136F.92; 136F.93; 136F.94; 136F.95; 136F.96; 136F.97; 136F.98, subdivisions 1, 3; 136G.09, subdivision 8; 137.52; Minnesota Statutes 2013 Supplement, sections 136A.03; 136A.125, subdivision 2; 136A.126, subdivision 1; 136A.129, subdivision 2; 136A.1795, subdivisions 2, 3, 4, 5; 136A.1796, subdivisions 2, 3, 4; 136A.233, subdivision 2; 136A.861, subdivisions 1, 3; repealing Minnesota Statutes 2012, sections 135A.14, subdivision 6; 136A.05, subdivision 2; 136A.101, subdivision 2; 136A.15, subdivisions 3, 5; 136A.16, subdivisions 3, 4, 6, 7; 136A.17; 136A.62, subdivision 2; 136F.11; 136F.44, subdivision 2; 136F.49; 136F.90, subdivision 6; 137.02, subdivision 1; 137.59; Minnesota Statutes 2013 Supplement, sections 136A.101, subdivision 3; 136A.15, subdivision 4; 136A.16, subdivision 10; Minnesota Rules, parts 4810.2100; 4810.2200; 4810.2300; 4810.2400; 4810.2500; 4810.2600; 4810.2700; 4810.2800; 4830.5000; 4830.5100; 4830.5200, subparts 1, 3; 4830.5300; 4830.5400.

JOANNE M. ZOFF, Secretary of the Senate

Mr. 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. 1777, A bill for an act relating to taxation; income and franchise; sales and use; conforming to changes in the Internal Revenue Code; extending the working family credit phaseout for married filers; exempting certain business transactions; providing for refunds; appropriating money; amending Minnesota Statutes 2012, sections 289A.02, subdivision 7; 289A.08, subdivision 7; 290.01, subdivision 19a, by adding a subdivision; 290.067, subdivisions 1, 2a; 290.0671, subdivision 1; 290.0675, subdivision 1; 297A.68, by adding a subdivision; Minnesota Statutes 2013 Supplement, sections 290.01, subdivisions 19, 19b, 31; 290.06, subdivision 2c; 290.091, subdivision 2; 290A.03, subdivision 15; 297A.61, subdivision 3; 297A.68, subdivision 5; repealing Minnesota Statutes 2013 Supplement, section 297A.61, subdivision 57.

JOANNE M. ZOFF, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Lenczewski moved that the House concur in the Senate amendments to H. F. No. 1777 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1777, A bill for an act relating to financing and operation of state and local government; making changes to individual income, corporate franchise, property, sales and use, estate, mineral, local, and other taxes and tax-related provisions; changing property tax aids and credits; modifying education aids and levies; making changes to additions and subtractions from federal taxable income; providing for federal conformity; changing tax rates for estates; modifying income tax credits; modifying estate tax provisions; repealing the gift tax; modifying the definition of sale and purchase; modifying sales tax exemptions; modifying tax increment financing rules; modifying the distribution of taconite production taxes; modifying and providing provisions for public finance; report; appropriating money; amending Minnesota Statutes 2012, sections 16A.152, subdivisions 1b, 2, 8; 37.31, subdivision 8; 116J.8737, subdivisions 5, 7, 9, 12; 276A.01, by adding a subdivision; 276A.06, subdivisions 3, 5, 8; 289A.02, subdivision 7; 289A.08, subdivision 7; 289A.18, subdivision 3; 290.01, subdivision 19a, by adding a subdivision; 290.067, subdivisions 1, 2a, by adding a subdivision; 290.0671, subdivisions 1, 7; 290.0675, subdivision 1; 291.03, by adding a subdivision; 297A.68, by adding a subdivision; 298.225, subdivision 1; 298.28, subdivisions 3, 5, 7, 9a, by adding a subdivision; 473.39, by adding a subdivision; Minnesota Statutes 2013 Supplement, sections 116J.8737, subdivisions 1, 2; 126C.10, subdivisions 1, 2e; 126C.13, subdivision 4; 126C.17, subdivision 1; 273.117; 289A.10, subdivision 1; 290.01, subdivisions 19, 19b, 31; 290.06, subdivision 2c; 290.091, subdivision 2; 290A.03, subdivision 15; 291.005, subdivision 1; 291.03, subdivision 1; 297A.61, subdivision 3; 297A.68, subdivision 5; 298.17; 298.28, subdivision 10; Laws 2003, chapter 127, article 12, section 28; Laws 2006, chapter 259, article 10, section 13, subdivision 4; Laws 2008, chapter 366, article 5, section 36, subdivision 3; Laws 2013, chapter 143, article 8, section 26; proposing coding for new law in Minnesota Statutes, chapter 291; repealing Minnesota Statutes 2012, sections 291.03, subdivision 1b; 291.41; 291.42; 291.43; 291.44; 291.45; 291.46; 291.47; Minnesota Statutes 2013 Supplement, sections 291.03, subdivision 1c; 292.16; 292.17; 292.18; 292.19; 292.20; 292.21; 297A.61, subdivision 57.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|--------------|-------------|------------|------------|--------------|
| Abeler | Dorholt | Hausman | Liebling | Myhra | Schoen |
| Albright | Drazkowski | Hertaus | Lien | Nelson | Schomacker |
| Anderson, P. | Erhardt | Hilstrom | Lillie | Newberger | Scott |
| Anderson, S. | Erickson, R. | Holberg | Loeffler | Newton | Selcer |
| Anzelc | Erickson, S. | Hoppe | Lohmer | Nornes | Simon |
| Atkins | Fabian | Hornstein | Loon | Norton | Simonson |
| Barrett | Falk | Hortman | Mack | O'Driscoll | Slocum |
| Benson, J. | Faust | Howe | Mahoney | O'Neill | Sundin |
| Benson, M. | Fischer | Huntley | Mariani | Paymar | Swedzinski |
| Bernardy | FitzSimmons | Isaacson | Marquart | Pelowski | Theis |
| Bly | Franson | Johnson, B. | Masin | Peppin | Torkelson |
| Brynaert | Freiberg | Johnson, C. | McDonald | Persell | Uglem |
| Carlson | Fritz | Johnson, S. | McNamar | Petersburg | Urdahl |
| Cornish | Garofalo | Kahn | McNamara | Poppe | Wagenius |
| Daudt | Green | Kelly | Melin | Pugh | Ward, J.A. |
| Davids | Gruenhagen | Kiel | Metsa | Quam | Ward, J.E. |
| Davnie | Gunther | Kresha | Moran | Radinovich | Wills |
| Dean, M. | Hackbarth | Laine | Morgan | Rosenthal | Yarusso |
| Dehn, R. | Halverson | Leidiger | Mullery | Runbeck | Zellers |
| Dettmer | Hamilton | Lenczewski | Murphy, E. | Savick | Zerwas |
| Dill | Hansen | Lesch | Murphy, M. | Sawatzky | Spk. Thissen |

Those who voted in the negative were:

Allen Clark

The bill was repassed, as amended by the Senate, and its title agreed to.

MOTIONS AND RESOLUTIONS

Lesch moved that the name of Simon be added as an author on H. F. No. 1370. The motion prevailed.

Clark moved that the name of Bernardy be added as an author on H. F. No. 1477. The motion prevailed.

Cornish moved that the name of Zerwas be added as an author on H. F. No. 1585. The motion prevailed.

Rosenthal moved that the name of Sawatzky be added as an author on H. F. No. 1860. The motion prevailed.

Newton moved that the names of Masin, Selcer and Sawatzky be added as authors on H. F. No. 1916. The motion prevailed.

Newton moved that the names of Gunther and Hoppe be added as authors on H. F. No. 1925. The motion prevailed.

Hoppe moved that the name of Howe be added as an author on H. F. No. 2199. The motion prevailed.

Radinovich moved that his name be stricken as an author on H. F. No. 2272. The motion prevailed.

Winkler moved that the name of Anderson, M., be added as an author on H. F. No. 2281. The motion prevailed.

Atkins moved that the names of Loeffler and Newton be added as authors on H. F. No. 2463. The motion prevailed.

Simon moved that the name of Kresha be added as an author on H. F. No. 2517. The motion prevailed.

Wagenius moved that the name of Dean, M., be added as an author on H. F. No. 2643. The motion prevailed.

Simon moved that the name of Newton be added as an author on H. F. No. 2662. The motion prevailed.

Dill moved that the name of Hackbarth be added as an author on H. F. No. 2780. The motion prevailed.

Clark moved that the name of Bernardy be added as an author on H. F. No. 2878. The motion prevailed.

Fritz moved that the name of Newton be added as an author on H. F. No. 2885. The motion prevailed.

Hansen moved that the name of Newton be added as an author on H. F. No. 2908. The motion prevailed.

Abeler moved that the name of Loeffler be added as an author on H. F. No. 3071. The motion prevailed.

Faust moved that the names of Ward, J.A., and Loeffler be added as authors on H. F. No. 3087. The motion prevailed.

Runbeck moved that the name of Lenczewski be added as an author on H. F. No. 3218. The motion prevailed.

Persell moved that the name of Isaacson be added as an author on H. F. No. 3244. The motion prevailed.

Paymar moved that H. F. No. 2144, now on the General Register, be re-referred to the Committee on Ways and Means. The motion prevailed.

Garofalo moved that H. F. No. 2884, now on the General Register, be re-referred to the Committee on Commerce and Consumer Protection Finance and Policy. The motion prevailed.

Allen moved that H. F. No. 3027 be recalled from the Committee on Health and Human Services Policy and be re-referred to the Committee on Early Childhood and Youth Development Policy. The motion prevailed.

Mariani moved that H. F. No. 3175 be recalled from the Committee on Education Policy and be re-referred to the Committee on Health and Human Services Policy. The motion prevailed.

ADJOURNMENT

Murphy, E., moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, March 24, 2014. The motion prevailed.

Murphy, E., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Monday, March 24, 2014.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives