

THIRTY-SIXTH DAY

St. Paul, Minnesota, Tuesday, April 16, 2013

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Bakk imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Kevin Schill.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

Anderson	Eaton	Johnson	Pappas	Skoe
Bakk	Eken	Kent	Pederson, J.	Sparks
Benson	Fischbach	Kiffmeyer	Petersen, B.	Stumpf
Bonoff	Franzen	Koenen	Pratt	Thompson
Brown	Gazelka	Latz	Reinert	Tomassoni
Carlson	Goodwin	Limmer	Rest	Torres Ray
Chamberlain	Hall	Lourey	Rosen	Weber
Champion	Hann	Marty	Ruud	Westrom
Clausen	Hawj	Metzen	Saxhaug	Wiger
Cohen	Hayden	Nelson	Scalze	Wiklund
Dahle	Hoffman	Newman	Schmit	
Dahms	Housley	Nienow	Senjem	
Dibble	Ingebrigtsen	Ortman	Sheran	
Dziedzic	Jensen	Osmek	Sieben	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 8, 2013

The Honorable Sandra L. Pappas
President of the Senate

Dear Senator Pappas:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

CLEAN WATER COUNCIL

Pamela Blixt, 4811 - 38th Ave. S., Minneapolis, in the county of Hennepin, effective April 13, 2013, for a term expiring on January 2, 2017.

Patrick Flowers, 24778 Greenway Ave., Forest Lake, in the county of Chisago, effective April 13, 2013, for a term expiring on January 2, 2017.

Robert Hoefert, 35445 Hwy 47, Isle, in the county of Mille Lacs, effective April 13, 2013, for a term expiring on January 2, 2017.

Mark Knoff, 10 Civic Center Plaza, P.O. Box 3368, Mankato, in the county of Blue Earth, effective April 13, 2013, for a term expiring on January 2, 2017.

Gene Merriam, 12176 Bluebird Cir., Coon Rapids, in the county of Anoka, effective April 13, 2013, for a term expiring on January 2, 2017.

Victoria Reinhardt, 15 W. Kellogg Blvd., Rm. 220, Saint Paul, in the county of Ramsey, effective April 13, 2013, for a term expiring on January 2, 2017.

Deborah Swackhamer, 14955 - 130th St., Stillwater, in the county of Washington, effective April 13, 2013, for a term expiring on January 2, 2017.

John Underhill, 2360 - 15th Ave. N.W., Rochester, in the county of Olmstead, effective April 13, 2013, for a term expiring on January 2, 2017.

(Referred to the Committee on Environment and Energy.)

Sincerely,
Mark Dayton, Governor

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 729 and 1069.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 15, 2013

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 729: A bill for an act relating to state government; appropriating money for jobs and economic development, commerce and consumer protection, and housing; making changes to labor and industry provisions; modifying and providing for certain fees; modifying employment, economic development, and workforce development provisions; making unemployment insurance

changes; reducing the unemployment insurance tax; establishing notice for contracts for deed involving residential property; providing remedies; establishing the Office of Broadband Development in the Department of Commerce and assigning it duties; requiring the Department of Transportation to post a database on its Web site; appropriating money to various boards, departments, and the Housing Finance Agency; requiring reports; amending Minnesota Statutes 2012, sections 60A.14, subdivision 1; 116J.70, subdivision 2a; 116J.8731, subdivisions 2, 3, 8, 9; 116L.17, subdivision 4, by adding a subdivision; 116U.26; 136F.37; 154.001, by adding a subdivision; 154.003; 154.02; 154.05; 154.06; 154.065, subdivision 2; 154.07, subdivision 1; 154.08; 154.09; 154.10, subdivision 1; 154.11, subdivision 1; 154.12; 154.14; 154.15, subdivision 2; 154.26; 155A.23, subdivisions 3, 8, 11; 155A.25, subdivisions 1a, 4; 155A.27, subdivisions 4, 10; 155A.29, subdivision 2; 155A.30, by adding a subdivision; 177.27, subdivision 4; 237.012, subdivision 3; 239.101, subdivision 3; 245.4712, subdivision 1; 268.051, subdivision 5; 268.07, subdivision 3b; 268.125, subdivisions 1, 3, 4, 5; 268.136, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 268.199; 268.23; 268A.13; 268A.14, subdivision 1; 326.02, subdivision 5; 326A.04, subdivisions 2, 3, 5, 7; 326A.10; 326B.081, subdivision 3; 326B.082, subdivision 11; 326B.093, subdivision 4; 326B.101; 326B.103, subdivision 11; 326B.121, subdivision 1; 326B.163, by adding subdivisions; 326B.184, subdivisions 1, 2, by adding a subdivision; 326B.187; 326B.31, by adding a subdivision; 326B.33, subdivisions 19, 21; 326B.36, subdivision 7; 326B.37, by adding a subdivision; 326B.43, subdivision 2; 326B.49, subdivisions 2, 3; 326B.89, subdivision 1; 327B.04, subdivision 4; 341.21, subdivision 3a; 341.221; 341.27; 341.29; 341.30, subdivision 4; 341.32, subdivision 2; 341.321; 507.235, subdivision 2; 559.211, subdivision 2; Laws 2011, First Special Session chapter 2, article 2, section 3, subdivision 4; Laws 2012, chapter 201, article 1, section 3; proposing coding for new law in Minnesota Statutes, chapters 116J; 116L; 154; 155A; 161; 179; 237; 268; 326B; 383D; 559; proposing coding for new law as Minnesota Statutes, chapter 80G; repealing Minnesota Statutes 2012, sections 116W.01; 116W.02; 116W.03; 116W.035; 116W.04; 116W.05; 116W.06; 116W.20; 116W.21; 116W.23; 116W.24; 116W.25; 116W.26; 116W.27; 116W.28; 116W.29; 116W.30; 116W.31; 116W.32; 116W.33; 116W.34; 155A.25, subdivision 1; 326A.03, subdivisions 2, 5, 8; 326B.31, subdivisions 18, 19, 22; 326B.978, subdivision 4; 507.235, subdivision 4; Minnesota Rules, parts 1105.0600; 1105.2550; 1105.2700; 1307.0032; 3800.3520, subpart 5, items C, D; 3800.3602, subpart 2, item B.

Referred to the Committee on Finance.

H.F. No. 1069: A bill for an act relating to state government; ratifying labor agreements and compensation plans.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1584 and 1568. The motion prevailed.

Senator Pappas from the Committee on State and Local Government, to which was referred

S.F. No. 1584: A bill for an act relating to state government; repealing the Sunset Act; amending Minnesota Statutes 2012, sections 254A.035, subdivision 2; 254A.04; 256B.093, subdivision 1; 260.835, subdivision 2; Laws 2012, chapter 278, article 1, section 5; repealing Minnesota Statutes

2012, sections 3D.01; 3D.02; 3D.03; 3D.04; 3D.045; 3D.05; 3D.06; 3D.065; 3D.07; 3D.08; 3D.09; 3D.10; 3D.11; 3D.12; 3D.13; 3D.14; 3D.15; 3D.16; 3D.17; 3D.18; 3D.19; 3D.20; 3D.21, subdivisions 2, 3, 4, 5, 6, 7, 8; Laws 2012, chapter 278, article 1, section 6.

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Latz from the Committee on Judiciary, to which was referred

S.F. No. 1568: A bill for an act human services; establishing community first services and supports and Northstar Care for Children; modifying provisions relating to vital records, reporting suspected maltreatment, child custody, data practices, background studies, and fraud investigations; licensing home care providers; establishing penalties; establishing an advisory council; amending Minnesota Statutes 2012, sections 144.051, by adding subdivisions; 144.212; 144.213; 144.215, subdivisions 3, 4; 144.216, subdivision 1; 144.217, subdivision 2; 144.218, subdivision 5; 144.225; 144.226; 243.166, subdivision 7; 245C.04, by adding a subdivision; 245C.08, subdivision 1; 245C.33, subdivision 1; 245D.05; 245D.06; 245D.10; 257.75, subdivision 7; 260C.635, subdivision 1; 517.001; 626.557, subdivisions 4, 9, 9e; proposing coding for new law in Minnesota Statutes, chapters 144; 144A; 149A; 245D; 256B; proposing coding for new law as Minnesota Statutes, chapters 245E; 256N.

Reports the same back with the recommendation that the bill be amended as follows:

Page 12, line 4, delete everything after "report" and insert "maltreatment as required under sections 626.556 and 626.557; and"

Page 12, delete line 5

Page 25, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2012, section 245C.33, is amended to read:

245C.33 ADOPTION AND GUARDIANSHIP ASSISTANCE BACKGROUND STUDY REQUIREMENTS.

Subdivision 1. **Background studies conducted by commissioner.** (a) Before placement of a child for purposes of adoption, the commissioner shall conduct a background study on individuals listed in section 259.41, subdivision 3, for county agencies and private agencies licensed to place children for adoption.

(b) Before placement of a child for the purposes of a transfer of permanent legal and physical custody to a relative under section 260C.515, the commissioner shall not conduct new background studies when the proposed relative custodian has a valid foster care license.

(c) Before placement of a child for the purposes of a transfer of permanent legal and physical custody to a relative when the court has excluded the foster care requirement under section 260C.515, the commissioner shall conduct a background study according to section 256N.22, subdivision 4, on each relative custodian and any other adult residing in the home of the proposed relative custodian in order to determine potential eligibility for the guardian assistance component of Northstar Care for children.

Subd. 2. **Information and data provided to county or private agency.** The subject of the background study shall provide the information specified in section 245C.05.

Subd. 3. **Information and data provided to commissioner.** The county or private agency shall forward the data collected under subdivision 2 to the commissioner.

Subd. 4. **Information commissioner reviews.** (a) The commissioner shall review the following information regarding the background study subject:

(1) the information under section 245C.08, subdivisions 1, 3, and 4;

(2) information from the child abuse and neglect registry for any state in which the subject has resided for the past five years; and

(3) information from national crime information databases, when required under section 245C.08.

(b) The commissioner shall provide any information collected under this subdivision to the county or private agency that initiated the background study. The commissioner shall also provide the agency:

(1) notice whether the information collected shows that the subject of the background study has a conviction listed in United States Code, title 42, section 671(a)(20)(A); and

(2) the date of all adoption-related background studies completed on the subject by the commissioner after June 30, 2007, and the name of the county or private agency that initiated the adoption-related background study."

Page 69, after line 2, insert:

"Section 1. Minnesota Statutes 2012, section 13.461, is amended by adding a subdivision to read:

Subd. 7b. **Child care provider and recipient fraud investigations.** Data related to child care fraud and recipient fraud investigations are governed by section 245E.01, subdivision 15."

Page 69, line 17, delete "history" and insert "case"

Page 70, line 29, delete "history" and insert "case"

Page 78, after line 30, insert:

"Sec. 5. **MENTALLY ILL AND DANGEROUS COMMITMENTS STAKEHOLDERS GROUP.**

(a) The commissioner of human services, in consultation with the state court administrator, shall convene a stakeholder group to develop recommendations for the legislature that address issues raised in the February 2013 Office of the Legislative Auditor report on State-Operated Services for persons committed to the commissioner as mentally ill and dangerous under Minnesota Statutes, section 253B.18. Stakeholders must include representatives from the Department of Human Services; county human services; county attorneys; commitment defense attorneys; the ombudsman for mental health and developmental disabilities; the federal protection and advocacy system; and consumer and advocates for persons with mental illnesses.

(b) The stakeholder group shall provide recommendations in the following areas:

(1) the role of the special review board, including the scope of authority of the special review board and the authority of the commissioner to accept or reject special review board recommendations;

(2) review of special review board decisions by the district court;

(3) annual district court review of commitment, scope of court authority, and appropriate review criteria;

(4) options, including annual court hearing and review, as alternatives to indeterminate commitment under Minnesota Statutes, section 253B.18; and

(5) extension of the right to petition the court under Minnesota Statutes, section 253B.17, to those committed under Minnesota Statutes, section 253B.18. The commissioner of human services and the state court administrator shall provide relevant data for the group's consideration in developing these recommendations, including numbers of proceedings in each category and costs associated with court and administrative proceedings under Minnesota Statutes, section 253B.18.

(c) By January 15, 2014, the commissioner of human services shall submit the recommendations of the stakeholder group to the chairs and ranking minority members of the committees of the legislature with jurisdiction over civil commitment and human services issues."

Page 78, after line 30, insert:

"Sec. 5. Minnesota Statutes 2012, section 299C.093, is amended to read:

299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.

The superintendent of the Bureau of Criminal Apprehension shall maintain a computerized data system relating to individuals required to register as predatory offenders under section 243.166. To the degree feasible, the system must include the data required to be provided under section 243.166, subdivisions 4 and 4a, and indicate the time period that the person is required to register. The superintendent shall maintain this data in a manner that ensures that it is readily available to law enforcement agencies. This data is private data on individuals under section 13.02, subdivision 12, but may be used for law enforcement and corrections purposes. The commissioner of human services has access to the data for state-operated services, as defined in section 246.014, ~~are also authorized to have access to the data~~ for the purposes described in section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background studies under chapter 245C."

Page 78, after line 32, insert:

"Section 1. Minnesota Statutes 2012, section 13.461, is amended by adding a subdivision to read:

Subd. 7c. **Human services license holders.** Section 245D.095, subdivision 3, requires certain license holders to protect service recipient records in accordance with specified provisions of this chapter."

Page 94, after line 14, insert:

"Sec. 6. [245D.11] POLICIES AND PROCEDURES; INTENSIVE SUPPORT SERVICES.

Subdivision 1. Policy and procedure requirements. A license holder providing intensive support services as identified in section 245D.03, subdivision 1, paragraph (c), must establish, enforce, and maintain policies and procedures as required in this section.

Subd. 2. Health and safety. The license holder must establish policies and procedures that promote health and safety by ensuring:

(1) use of universal precautions and sanitary practices in compliance with section 245D.06, subdivision 2, clause (5);

(2) if the license holder operates a residential program, health service coordination and care according to the requirements in section 245D.05, subdivision 1;

(3) safe medication assistance and administration according to the requirements in sections 245D.05, subdivisions 1a, 2, and 5, and 245D.051, that are established in consultation with a registered nurse, nurse practitioner, physician's assistant, or medical doctor and require completion of medication administration training according to the requirements in section 245D.09, subdivision 4a, paragraph (c). Medication assistance and administration includes, but is not limited to:

(i) providing medication-related services for a person;

(ii) medication setup;

(iii) medication administration;

(iv) medication storage and security;

(v) medication documentation and charting;

(vi) verification and monitoring of effectiveness of systems to ensure safe medication handling and administration;

(vii) coordination of medication refills;

(viii) handling changes to prescriptions and implementation of those changes;

(ix) communicating with the pharmacy; and

(x) coordination and communication with prescriber;

(4) safe transportation, when the license holder is responsible for transportation of persons, with provisions for handling emergency situations according to the requirements in section 245D.06, subdivision 2, clauses (2) to (4);

(5) a plan for ensuring the safety of persons served by the program in emergencies as defined in section 245D.02, subdivision 8, and procedures for staff to report emergencies to the license holder. A license holder with a community residential setting or a day service facility license must ensure the policy and procedures comply with the requirements in section 245D.22, subdivision 4;

(6) a plan for responding to all incidents as defined in section 245D.02, subdivision 11; and reporting all incidents required to be reported according to section 245D.06, subdivision 1. The plan must:

(i) provide the contact information of a source of emergency medical care and transportation; and

(ii) require staff to first call 911 when the staff believes a medical emergency may be life threatening, or to call the mental health crisis intervention team when the person is experiencing a mental health crisis; and

(7) a procedure for the review of incidents and emergencies to identify trends or patterns, and corrective action if needed. The license holder must establish and maintain a record-keeping system for the incident and emergency reports. Each incident and emergency report file must contain a written summary of the incident. The license holder must conduct a review of incident reports for identification of incident patterns, and implementation of corrective action as necessary to reduce occurrences. Each incident report must include:

(i) the name of the person or persons involved in the incident. It is not necessary to identify all persons affected by or involved in an emergency unless the emergency resulted in an incident;

(ii) the date, time, and location of the incident or emergency;

(iii) a description of the incident or emergency;

(iv) a description of the response to the incident or emergency and whether a person's individual service and support plan or risk management plan, or program policies and procedures were implemented as applicable;

(v) the name of the staff person or persons who responded to the incident or emergency; and

(vi) the determination of whether corrective action is necessary based on the results of the review.

Subd. 3. **Data privacy.** The license holder must establish policies and procedures that promote service recipient rights by ensuring data privacy according to the requirements in:

(1) the Minnesota Government Data Practices Act, section 13.46, and all other applicable Minnesota laws and rules in handling all data related to the services provided; and

(2) the Health Insurance Portability and Accountability Act of 1996 (HIPAA), to the extent that the license holder performs a function or activity involving the use of protected health information as defined under Code of Federal Regulations, title 45, section 164.501, including, but not limited to, providing health care services; health care claims processing or administration; data analysis, processing, or administration; utilization review; quality assurance; billing; benefit management; practice management; repricing; or as otherwise provided by Code of Federal Regulations, title 45, section 160.103. The license holder must comply with the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations, Code of Federal Regulations, title 45, parts 160 to 164, and all applicable requirements.

Subd. 4. **Admission criteria.** The license holder must establish policies and procedures that promote continuity of care by ensuring that admission or service initiation criteria:

(1) is consistent with the license holder's registration information identified in the requirements in section 245D.031, subdivision 2, and with the service-related rights identified in section 245D.04, subdivisions 2, clauses (4) to (7), and 3, clause (8);

(2) identifies the criteria to be applied in determining whether the license holder can develop services to meet the needs specified in the person's coordinated service and support plan;

(3) requires a license holder providing services in a health care facility to comply with the requirements in section 243.166, subdivision 4b, to provide notification to residents when a registered predatory offender is admitted into the program or to a potential admission when the facility was already serving a registered predatory offender. For purposes of this clause, "health care facility" means a facility licensed by the commissioner as a residential facility under chapter 245A to provide adult foster care or residential services to persons with disabilities;

(4) requires that the license holder must not refuse to admit a person based solely on the basis of the type of residential services a person is receiving or solely on the basis of the person's severity of disability, orthopedic or neurological handicaps, sight or hearing impairments, lack of communication skills, physical disabilities, toilet habits, behavioral disorders, or past failure to make progress; and

(5) requires that when a person or the person's legal representative requests services from the license holder, a refusal to admit the person must be based on an evaluation of the person's assessed needs and the license holder's lack of capacity to meet the needs of the person. Documentation of the basis for refusal must be provided to the person or the person's legal representative and case manager upon request.

EFFECTIVE DATE. This section is effective January 1, 2014."

Page 94, after line 16, insert:

"Section 1. Minnesota Statutes 2012, section 13.381, subdivision 2, is amended to read:

Subd. 2. **Health occupations data.** (a) **Health-related licensees and registrants.** The collection, analysis, reporting, and use of data on individuals licensed or registered by the commissioner of health or health-related licensing boards are governed by sections 144.051, ~~subdivision 2~~ subdivisions 2 to 6, and 144.052.

(b) **Health services personnel.** Data collected by the commissioner of health for the database on health services personnel are classified under section 144.1485.

Sec. 2. Minnesota Statutes 2012, section 13.381, subdivision 10, is amended to read:

Subd. 10. **Home care and hospice provider.** Data regarding a home care provider under sections 144A.43 to 144A.47 are governed by section 144A.45. Data regarding home care provider background studies are governed by section 144A.476, subdivision 1. Data regarding a hospice provider under sections 144A.75 to 144A.755 are governed by sections 144A.752 and 144A.754."

Page 94, line 21, delete "private data" insert "private data on individuals"

Page 95, line 3, delete everything after "are" and insert "public:"

Page 95, line 16, delete "confidential data" insert "confidential data on individuals"

Page 95, line 25, delete "enhance" and insert "facilitate" and after "further" insert "the"

Page 95, line 26, delete ", but are not limited to,"

Page 107, line 1, delete ", 626.556, or 626.557"

Page 107, delete subdivision 8 and insert:

"Subd. 8. **Fines.** (a) Fines and enforcement actions under this subdivision may be assessed based on the level and scope of the violations described in paragraph (c), as follows:

(1) Level I. No fines or enforcement;

(2) Level II. Fines ranging from \$0 to \$500, in addition to any of the enforcement mechanisms authorized in section 144A.475 for widespread violations;

(3) Level III. Fines ranging from \$500 to \$1,000, in addition to any of the enforcement mechanisms authorized in section 144A.475; and

(4) Level IV. Fines ranging from \$1,000 to \$5,000, in addition to any of the enforcement mechanisms authorized in section 144A.475.

(b) Correction orders for violations must be categorized by both level and scope as follows and fines may be assessed accordingly:

(1) level of violation:

(i) Level I. A violation that has no potential to cause more than a minimal impact on the client and does not affect health or safety;

(ii) Level II. A violation that did not harm the client's health or safety, but had the potential to have harmed a client's health or safety, but not likely to cause serious injury, impairment, or death;

(iii) Level III. A violation that harmed a client's health or safety, not including serious injury, impairment, or death, or a violation that has the potential to lead to serious injury, impairment or death;

(iv) Level IV. A violation that results in serious injury, impairment, or death;

(2) scope of violation:

(i) Isolated. When one or a limited number of clients are affected, or one or a limited number of staff are involved, or the situation has occurred only occasionally;

(ii) Pattern. When more than a limited number of clients are affected, more than a limited number of staff are involved, or the situation has had repeated occurrences, but is not found to be pervasive; and

(iii) Widespread. When problems are pervasive and/or represent a systemic failure that has affected or has the potential to affect a large portion or all of the clients."

Page 108, line 10, delete "identified" and insert "by the date specified in the correction order or conditional license resulting from"

Page 108, line 11, delete "in" and delete everything after "investigation"

Page 108, line 12, delete "conditional license"

Page 108, delete lines 15 to 18

Page 108, line 19, delete "(e)" and insert "(d)"

Page 108, line 22, delete everything after "fine."

Page 108, delete line 23

Page 108, line 24, delete everything before "A"

Page 108, line 26, delete "(f)" and insert "(e)" and delete everything after "writing"

Page 108, line 27, delete "by e-mail," and delete "to forfeit a fine"

Page 108, line 29, delete "to forfeit a fine"

Page 108, line 33, delete "(g)" and insert "(f)"

Page 108, line 34, before "hearing" insert "reconsideration or a"

Page 108, line 35, delete "(h)" and insert "(g)"

Page 109, line 1, delete "personally" and delete "In the case"

Page 109, delete lines 2 and 3

Page 109, line 4, delete "(i)" and insert "(h)"

Page 109, line 7, delete "(j)" and insert "(i)"

Page 109, line 11, delete "regulations" and insert "in Minnesota"

Page 109, after line 11, insert:

"Subd. 9. **Reconsideration.** (a) The commissioner shall make available to home care providers a correction order reconsideration process. This process may be used to challenge the correction order issued, including the level and scope described in subdivision 9, and any fine assessed. During the correction order reconsideration request, the issuance of the correction orders under reconsideration are not stayed, but the department must post information on the Web site with the correction order that the licensee has requested a reconsideration review and that the review is pending.

(b) A licensed home care provider may request from the commissioner, in writing, a correction order reconsideration regarding any correction order issued to the provider. The correction order reconsideration must not be reviewed by a surveyor, investigator, or supervisor that participated in the writing or reviewing of the correction order being disputed. The correction order reconsiderations may be conducted in person, by telephone, by another electronic form, or in writing, as determined by the commissioner. The commissioner shall respond in writing to the request from a home care provider for a correction order reconsideration within 60 days of the date the provider requests a reconsideration. The commissioner's response must identify the commissioner's decision regarding each citation challenged by the home care provider.

(c) The findings of a correction order reconsideration process must be one or more of the following:

(1) Supported in full. The correction order is supported in full, with no deletion of findings to the citation;

(2) Supported in substance. The correction order is supported, but one or more findings are deleted or modified without any change in the citation;

(3) Correction order cited an incorrect home care licensing requirement. The correction order is amended by changing the correction order to the appropriate statutory reference;

(4) Correction order was issued under an incorrect citation. The correction order is amended to be issued under the more appropriate correction order citation;

(5) The correction order is rescinded;

(6) Fine is amended. It is determined the fine assigned to the correction order was applied incorrectly; or

(7) The level or scope of the citation is modified based on the reconsideration.

(b) If the correction order findings are changed by the commissioner, the commissioner shall update the correction order Web site accordingly."

Page 109, line 14, after the first comma, insert "refuse to"

Page 114, line 20, delete "under" and insert "on individuals as defined in"

Page 119, line 10, delete everything after "144A.44" and insert "before the initiation of services. The home care provider shall make all reasonable efforts to provide the notice in a language the client or the client's representative understands. If a written version is not effective or available, the notice may be provided verbally."

Page 119, delete lines 11 to 13

Page 128, line 17, delete "confidential"

Page 142, after line 6, insert:

"Sec. 26. **STUDY OF CORRECTION ORDER APPEAL PROCESS.**

Beginning July 1, 2015, the commissioner of health shall study whether to use a correction order appeal process conducted by an independent reviewer, such as an administrative law judge or other office. The commissioner shall review home care regulatory systems in other states and consult with the home care providers and representatives. By February 1, 2016, the commissioner shall submit a report to the chairs and ranking minority members of the committees of the legislature with jurisdiction over health and human services and judiciary issues with any recommendations regarding an independent appeal process."

Page 142, after line 8, insert:

"Section 1. Minnesota Statutes 2012, section 13.381, is amended by adding a subdivision to read:

Subd. 15a. **Alkaline hydrolysis facilities.** Data in applications to operate alkaline hydrolysis facilities are governed by sections 149A.54, subdivision 9, and 149A.55, subdivision 8."

Page 146, line 33, reinstate the stricken language and delete the new language

Page 146, line 34, reinstate the stricken "in section 13.02, subdivision 12, on individuals"

Page 148, delete section 10

Renumber the sections in sequence and correct the internal references

Amend the title numbers accordingly

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 131 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
131	316				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 131 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 131; and insert the language after the enacting clause of S.F. No. 316, the first engrossment; further, delete the title of H.F. No. 131; and insert the title of S.F. No. 316, the first engrossment.

And when so amended H.F. No. 131 will be identical to S.F. No. 316, and further recommends that H.F. No. 131 be given its second reading and substituted for S.F. No. 316, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 143 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
143	87				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 143 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 143, the first engrossment; and insert the language after the enacting clause of S.F. No. 87, the first engrossment; further, delete the title of H.F. No. 143, the first engrossment; and insert the title of S.F. No. 87, the first engrossment.

And when so amended H.F. No. 143 will be identical to S.F. No. 87, and further recommends that H.F. No. 143 be given its second reading and substituted for S.F. No. 87, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 232 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
232	327				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 232 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 232, the second engrossment; and insert the language after the enacting clause of S.F. No. 327, the first engrossment; further, delete the title of H.F. No. 232, the second engrossment; and insert the title of S.F. No. 327, the first engrossment.

And when so amended H.F. No. 232 will be identical to S.F. No. 327, and further recommends that H.F. No. 232 be given its second reading and substituted for S.F. No. 327, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 748 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
748	602				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 834 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
834	515				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 853 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
853	746				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 1243 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1243	1376				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1243 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1243, the first engrossment; and insert the language after the enacting clause of S.F. No. 1376, the first engrossment; further, delete the title of H.F. No. 1243, the first engrossment; and insert the title of S.F. No. 1376, the first engrossment.

And when so amended H.F. No. 1243 will be identical to S.F. No. 1376, and further recommends that H.F. No. 1243 be given its second reading and substituted for S.F. No. 1376, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. Nos. 131, 143, 232, 748, 834, 853 and 1243 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Petersen, B. and Nienow introduced—

S.F. No. 1604: A bill for an act relating to stadiums; reducing the state commitment to a Minnesota Vikings football stadium; amending Minnesota Statutes 2012, sections 16A.965, subdivision 2; 473J.11, subdivision 4.

Referred to the Committee on Finance.

Senators Ruud, Saxhaug, Weber, Pratt and Wiger introduced—

S.F. No. 1605: A bill for an act relating to state lands; authorizing the exchange of certain state lands.

Referred to the Committee on Environment and Energy.

Senator Tomassoni introduced—

S.F. No. 1606: A bill for an act relating to capital investment; appropriating money for the Miners Memorial Arena; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Tomassoni introduced—

S.F. No. 1607: A bill for an act relating to state government; appropriating money for environment, natural resources, agriculture, commerce, energy, jobs, and economic development; modifying and providing for certain fees; modifying and providing for disposition of certain revenue; modifying pesticide control; modifying animal waste technician provisions; making technical changes; modifying certain permit requirements; providing for federal law compliance; providing for certain easements; modifying snowmobile registration provisions; modifying state trails; modifying State Timber Act; modifying certain park boundaries and expenditures; modifying reporting requirements; modifying Petroleum Tank Release Cleanup Act; providing for silica sand mining model standards and technical assistance; providing for wastewater laboratory certification; providing for product stewardship program; providing for discontinuance of Hennepin County Soil and Water Conservation District; providing for school forests; providing for county intermediate timber sales; authorizing recreation of Hall's Island; providing for certain interim ordinance extension or renewal; repealing certain pollution control rules; providing for solar energy production incentives; creating Office of Broadband Development; modifying certain environmental review; modifying public utility provisions; providing for sanitary districts; modifying labor and industry policy provisions; modifying employment and economic development programs; reducing unemployment insurance employer tax; creating pilot projects; authorizing issuance of bonds; modifying residential contract for deed requirements; providing penalties; requiring studies and reports; requiring rulemaking; amending Minnesota Statutes 2012, sections 13.7411, subdivision 4; 16B.122, subdivision 2; 17.03, subdivision 3; 17.1015; 18B.305; 18C.430; 18C.433, subdivision 1; 45.0135, subdivision 6; 60A.14, subdivision 1; 65B.84, subdivision 1; 84.027, by adding a subdivision; 84.415, by adding a subdivision; 84.82, subdivision 3, by adding a subdivision; 84.8205, subdivision 1; 85.015, subdivision 13; 85.052, subdivision 6; 85.053, subdivision 8; 85.054, by adding a subdivision; 85.055, subdivisions 1, 2; 85.42; 89.0385; 89.41; 90.01, subdivisions 4, 5, 6, 8, 11; 90.031, subdivision 4; 90.041,

subdivisions 2, 5, 6, 9, by adding subdivisions; 90.045; 90.061, subdivision 8; 90.101, subdivision 1; 90.121; 90.145; 90.151, subdivisions 1, 2, 3, 4, 6, 7, 8, 9; 90.161; 90.162; 90.171; 90.181, subdivision 2; 90.191, subdivision 1; 90.193; 90.195; 90.201, subdivision 2a; 90.211; 90.221; 90.252, subdivision 1; 90.301, subdivisions 2, 4; 90.41, subdivision 1; 93.46, by adding a subdivision; 93.481, subdivision 3; 97A.401, subdivision 3; 115A.1320, subdivision 1; 115B.20, subdivision 6; 115B.28, subdivision 1; 115B.421; 115C.02, subdivision 4; 115C.08, subdivision 4, by adding a subdivision; 115D.10; 116.48, subdivision 6; 116C.03, subdivisions 2, 4, 5; 116J.8731, subdivisions 2, 3; 116U.26; 136F.37; 179.02, by adding a subdivision; 216B.16, by adding a subdivision; 237.012, subdivision 3; 237.52, subdivisions 4, 5; 239.101, subdivision 3; 245.4712, subdivision 1; 268.125, subdivisions 1, 3, 4, 5; 268A.13; 268A.14, subdivision 1; 275.066; 282.01, subdivisions 1a, 1d; 282.04, by adding a subdivision; 298.22, subdivision 1; 298.28, subdivisions 4, 9b; 326.02, subdivision 5; 326B.163, by adding subdivisions; 326B.184, subdivisions 1, 2, by adding a subdivision; 326B.187; 326B.33, subdivisions 19, 21; 326B.36, subdivision 7; 326B.37, by adding a subdivision; 326B.49, subdivisions 2, 3; 341.321; 473.846; 507.235, subdivision 2; 559.211, subdivision 2; Laws 2010, chapter 215, article 3, section 3, subdivision 6, as amended; Laws 2010, chapter 361, article 3, section 7; proposing coding for new law in Minnesota Statutes, chapters 84; 90; 93; 115; 115A; 116; 116J; 116L; 216C; 237; 326B; 383B; 559; proposing coding for new law as Minnesota Statutes, chapter 442A; repealing Minnesota Statutes 2012, sections 90.163; 90.173; 90.41, subdivision 2; 115.18, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10; 115.19; 115.20; 115.21; 115.22; 115.23; 115.24; 115.25; 115.26; 115.27; 115.28; 115.29; 115.30; 115.31; 115.32; 115.33; 115.34; 115.35; 115.36; 115.37; 116W.01; 116W.02; 116W.03; 116W.035; 116W.04; 116W.05; 116W.06; 116W.20; 116W.21; 116W.23; 116W.24; 116W.25; 116W.26; 116W.27; 116W.28; 116W.29; 116W.30; 116W.31; 116W.32; 116W.33; 116W.34; 326B.31, subdivisions 18, 19, 22; 507.235, subdivision 4; Laws 2011, First Special Session chapter 2, article 4, section 30; Minnesota Rules, parts 1307.0032; 7021.0010, subparts 1, 2, 4, 5; 7021.0020; 7021.0030; 7021.0040; 7021.0050, subpart 5; 9210.0300; 9210.0310; 9210.0320; 9210.0330; 9210.0340; 9210.0350; 9210.0360; 9210.0370; 9210.0380; 9220.0530, subpart 6.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Eaton moved that the name of Senator Rest be added as a co-author to S.F. No. 902. The motion prevailed.

RECESS

Senator Bakk moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

Senator Bakk imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED**SPECIAL ORDERS**

Pursuant to Rule 26, Senator Bakk, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 671, 1589, 541, 769 and H.F. No. 504.

SPECIAL ORDER

S.F. No. 671: A bill for an act relating to public safety; providing that funds received for out-of-state offenders incarcerated in Minnesota are appropriated to the Department of Corrections; modifying certificates of compliance for public contracts; appropriating money for public safety, judiciary, corrections, and human rights; amending Minnesota Statutes 2012, sections 243.51, subdivisions 1, 3; 363A.36, subdivisions 1, 2; Laws 2011, First Special Session chapter 1, article 1, section 3, subdivision 3; repealing Minnesota Statutes 2012, section 243.51, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 18, as follows:

Those who voted in the affirmative were:

Bakk	Eaton	Kent	Reinert	Sparks
Bonoff	Eken	Koenen	Rest	Stumpf
Carlson	Franzen	Latz	Rosen	Tomassoni
Champion	Goodwin	Limmer	Saxhaug	Torres Ray
Clausen	Hall	Lourey	Scalze	Westrom
Cohen	Hawj	Marty	Schmit	Wiger
Dahle	Hayden	Metzen	Senjem	Wiklund
Dahms	Ingebrigtsen	Nelson	Sheran	
Dibble	Jensen	Pappas	Sieben	
Dziedzic	Johnson	Pederson, J.	Skoe	

Those who voted in the negative were:

Anderson	Gazelka	Kiffmeyer	Osmek	Thompson
Benson	Hann	Newman	Petersen, B.	Weber
Brown	Hoffman	Nienow	Pratt	
Chamberlain	Housley	Ortman	Ruud	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1589: A bill for an act relating to the operation of state government finance; allowing the secretary of state authority to accept funds from local government units for election systems enhancements and to receive certain funds for the address confidentiality program; allowing the state auditor to charge a onetime user fee for a small city and town accounting system software; changing provisions for bid solicitations and proposals; changing certain provisions for service contracts and the solicitation process; requiring a determination of the IT cost for agency technology projects; expanding E-Government initiative and establishing the E-Government Advisory Council; changing certain audit provisions from the state auditor to the legislative auditor; repealing the Minnesota Sunset Act; changing provisions for barbering and cosmetology;

changing licensing provisions for accountants; changing a paid military leave provision; modifying provisions in the Veterans Service Office grant program; changing provision in the Minnesota GI Bill program; establishing a veterans home in Beltrami County; making Department of Revenue changes; making compensation council changes and requiring a compensation study; adjusting certain salary groups; establishing administrative penalties; establishing fees; appropriating money; amending Minnesota Statutes 2012, sections 3.099, subdivision 1; 3.855, subdivision 3; 13.591, subdivision 3; 15A.0815, subdivisions 1, 2, 3, 5; 15A.082, subdivision 2; 16A.82; 16C.02, subdivision 13; 16C.06, subdivision 2; 16C.09; 16C.10, subdivision 6; 16C.145; 16C.33, subdivision 3; 16C.34, subdivision 1; 16E.07, subdivision 6, by adding a subdivision; 32C.04; 43A.17, subdivisions 1, 3; 65B.84, subdivision 1; 154.001, by adding a subdivision; 154.003; 154.02; 154.05; 154.06; 154.065, subdivision 2; 154.07, subdivision 1; 154.08; 154.09; 154.10, subdivision 1; 154.11, subdivision 1; 154.12; 154.14; 154.15, subdivision 2; 154.26; 155A.23, subdivision 3; 155A.25, subdivisions 1a, 4; 155A.27, subdivisions 4, 7, 10; 155A.29, subdivision 2; 155A.30, subdivision 1, by adding subdivisions; 192.26; 197.608, subdivisions 1, 3, 4, 5, 6; 197.791, subdivisions 4, 5; 254A.035, subdivision 2; 254A.04; 256B.093, subdivision 1; 260.835, subdivision 2; 270C.69, subdivision 1; 289A.20, subdivisions 2, 4; 289A.26, subdivision 2a; 295.55, subdivision 4; 297F.09, subdivision 7; 297G.09, subdivision 6; 297I.30, by adding a subdivision; 297I.35, subdivision 2; 326A.04, subdivisions 2, 3, 5, 7; 326A.10; 469.3201; 473.843, subdivision 3; Laws 2012, chapter 278, article 1, section 5; article 2, sections 27; 34; proposing coding for new law in Minnesota Statutes, chapters 4; 5; 5B; 6; 16E; 154; 155A; 198; 297I; 349A; repealing Minnesota Statutes 2012, sections 3D.01; 3D.02; 3D.03; 3D.04; 3D.045; 3D.05; 3D.06; 3D.065; 3D.07; 3D.08; 3D.09; 3D.10; 3D.11; 3D.12; 3D.13; 3D.14; 3D.15; 3D.16; 3D.17; 3D.18; 3D.19; 3D.20; 3D.21, subdivisions 2, 3, 4, 5, 6, 7, 8; 43A.17, subdivision 4; 155A.25, subdivision 1; 168A.40, subdivisions 3, 4; 197.608, subdivision 2a; 270C.145; 326A.03, subdivisions 2, 5, 8; Laws 2012, chapter 278, article 1, section 6; Minnesota Rules, parts 1105.0600; 1105.2550; 1105.2700.

Senator Saxhaug moved to amend S.F. No. 1589 as follows:

Page 18, line 24, delete "\$63,003,000" and insert "\$63,843,000"

Page 18, line 28, delete "15,546,000" and insert "16,386,000"

Page 20, after line 26, insert:

"Support Our Troops. \$840,000 in the first year is for transfer to the Minnesota "Support Our Troops" account established in Minnesota Statutes, section 190.19, subdivision 1, for the uses provided in Minnesota Statutes, section 190.19, subdivision 2a. Notwithstanding the provisions of Minnesota Statutes, section 190.19, subdivision 1, that appropriate money in the account in equal shares to two departments, the transferred amount is appropriated entirely to the commissioner of veterans affairs."

Page 32, delete section 13

Page 32, line 32, after "transaction" insert ", provided that no fee shall be charged for viewing or inspecting data"

Page 60, delete section 10

Correct the section totals and the appropriation summary

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

RECESS

Senator Bakk moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

Senator Bakk imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

The Senate resumed consideration of S.F. No. 1589.

Senator Gazelka moved to amend S.F. No. 1589 as follows:

Page 2, line 30, delete "30,524,000" and insert "30,385,000" and delete "30,524,000" and insert "30,385,000"

Page 3, line 3, delete "15,935,000" and insert "16,074,000" and delete "15,935,000" and insert "16,074,000"

Page 21, delete article 2

Correct the section totals

Renumber the articles in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Saxhaug imposed a call of the Senate for the balance of the proceedings on S.F. No. 1589. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Gazelka amendment.

The roll was called, and there were yeas 27 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Chamberlain	Gazelka	Housley	Limmer
Benson	Dahms	Hall	Ingebrigtsen	Nelson
Brown	Fischbach	Hann	Kiffmeyer	Newman

Nienow	Pederson, J.	Rosen	Thompson
Ortman	Petersen, B.	Ruud	Weber
Osmek	Pratt	Senjem	Westrom

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Pappas	Sparks
Bonoff	Eaton	Johnson	Reinert	Stumpf
Carlson	Eken	Kent	Rest	Tomassoni
Champion	Franzen	Koenen	Saxhaug	Torres Ray
Clausen	Goodwin	Latz	Scalze	Wiger
Cohen	Hawj	Lourey	Schmit	Wiklund
Dahle	Hayden	Marty	Sieben	
Dibble	Hoffman	Metzen	Skoe	

The motion did not prevail. So the amendment was not adopted.

Senator Chamberlain moved to amend S.F. No. 1589 as follows:

Page 24, after line 24, insert:

"Section 1. **[3.9791] AUDITOR REVIEW.**

The Office of the Legislative Auditor is directed to conduct an audit to determine whether the legislature is effective in scrutinizing the performance of executive branch agencies and their advisory groups against the following criteria:

- (1) the efficiency and effectiveness with which the agency or the advisory committee operates;
- (2) an identification of the mission, goals, and objectives intended for the agency or advisory committee and of the problem or need that the agency or advisory committee was intended to address and the extent to which the mission, goals, and objectives have been achieved and the problem or need has been addressed;
- (3) an identification of any activities of the agency in addition to those granted by statute and of the authority for those activities and the extent to which those activities are needed;
- (4) an assessment of authority of the agency relating to fees, inspections, enforcement, and penalties;
- (5) whether less restrictive or alternative methods of performing any function that the agency performs could adequately protect or provide service to the public;
- (6) the extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies, the extent to which the agency coordinates with those agencies, and the extent to which the programs administered by the agency can be consolidated with the programs of other state agencies;
- (7) the promptness and effectiveness with which the agency addresses complaints concerning entities or other persons affected by the agency, including an assessment of the agency's administrative hearings process;
- (8) an assessment of the agency's rulemaking process and the extent to which the agency has encouraged participation by the public in making its rules and decisions and the extent to which the public participation has resulted in rules that benefit the public;

(9) the extent to which the agency has complied with federal and state laws and applicable rules regarding equality of employment opportunity and the rights and privacy of individuals, and state law and applicable rules of any state agency regarding purchasing guidelines and programs for historically underutilized businesses;

(10) the extent to which the agency issues and enforces rules relating to potential conflicts of interest of its employees;

(11) the extent to which the agency complies with chapter 13 and follows records management practices that enable the agency to respond efficiently to requests for public information; and

(12) the effect of federal intervention or loss of federal funds if the agency is abolished."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kiffmeyer	Osmek	Senjem
Benson	Gazelka	Limmer	Pederson, J.	Thompson
Bonoff	Hall	Nelson	Petersen, B.	Weber
Brown	Hann	Newman	Pratt	Westrom
Chamberlain	Housley	Nienow	Rosen	
Dahms	Ingebrigtsen	Ortman	Ruud	

Those who voted in the negative were:

Bakk	Eaton	Johnson	Reinert	Sparks
Carlson	Eken	Kent	Rest	Stumpf
Champion	Franzen	Koenen	Saxhaug	Tomassoni
Clausen	Goodwin	Latz	Scalze	Torres Ray
Cohen	Hawj	Lourey	Schmit	Wiger
Dahle	Hayden	Marty	Sheran	Wiklund
Dibble	Hoffman	Metzen	Sieben	
Dziedzic	Jensen	Pappas	Skoe	

The motion did not prevail. So the amendment was not adopted.

Senator Hall moved to amend S.F. No. 1589 as follows:

Page 13, line 25, delete "20,611,000" and insert "20,561,000" and delete "20,611,000" and insert "20,561,000"

Page 14, delete lines 4 to 6

Page 15, line 2, delete "301,000" and insert "351,000" and delete "251,000" and insert "301,000"

Page 15, line 3, delete "\$50,000" and insert "\$100,000" and after "year" insert "and \$50,000 the second year"

Correct the section totals

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 42, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kiffmeyer	Ortman	Rosen
Benson	Gazelka	Limmer	Osmek	Senjem
Brown	Hall	Nelson	Pederson, J.	Thompson
Chamberlain	Hann	Newman	Petersen, B.	Weber
Dahms	Housley	Nienow	Pratt	

Those who voted in the negative were:

Bakk	Eaton	Johnson	Rest	Stumpf
Bonoff	Eken	Kent	Ruud	Tomassoni
Carlson	Franzen	Koenen	Saxhaug	Torres Ray
Champion	Goodwin	Latz	Scalze	Westrom
Clausen	Hawj	Lourey	Schmit	Wiger
Cohen	Hayden	Marty	Sheran	Wiklund
Dahle	Hoffman	Metzen	Sieben	
Dibble	Ingebrigtsen	Pappas	Skoe	
Dziedzic	Jensen	Reinert	Sparks	

The motion did not prevail. So the amendment was not adopted.

Senator Gazelka moved to amend S.F. No. 1589 as follows:

Page 2, line 30, delete the second "30,524,000" and insert "30,424,000"

Page 9, line 24, delete "26,644,000" and insert "24,144,000"

Page 10, delete lines 10 to 33

Page 69, delete line 26 and insert "subdivision 1, and are appropriated to the commissioner of commerce"

Page 69, line 27, delete everything before "for"

Correct the section totals

Senator Dahms moved to amend the second Gazelka amendment to S.F. No. 1589 as follows:

Page 1, after line 4, insert:

"Page 69, line 8, delete "50" insert "25"

The question was taken on the adoption of the Dahms amendment to the second Gazelka amendment.

The roll was called, and there were yeas 28 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Senjem
Benson	Hall	Metzen	Pederson, J.	Thompson
Brown	Hann	Nelson	Petersen, B.	Weber
Chamberlain	Housley	Newman	Pratt	Westrom
Dahms	Ingebrigtsen	Nienow	Rosen	
Fischbach	Kiffmeyer	Ortman	Ruud	

Those who voted in the negative were:

Bakk	Cohen	Eken	Hoffman	Latz
Bonoff	Dahle	Franzen	Jensen	Lourey
Carlson	Dibble	Goodwin	Johnson	Marty
Champion	Dziedzic	Hawj	Kent	Pappas
Clausen	Eaton	Hayden	Koenen	Reinert

Rest	Schmit	Skoe	Tomassoni	Wiklund
Saxhaug	Sheran	Sparks	Torres Ray	
Scalze	Sieben	Stumpf	Wiger	

The motion did not prevail. So the amendment to the amendment was not adopted.

The question was taken on the adoption of the second Gazelka amendment.

The roll was called, and there were yeas 29 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Ruud
Benson	Hall	Metzen	Pederson, J.	Senjem
Brown	Hann	Nelson	Petersen, B.	Thompson
Chamberlain	Housley	Newman	Pratt	Weber
Dahms	Ingebrigtsen	Nienow	Reinert	Westrom
Fischbach	Kiffmeyer	Ortman	Rosen	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Rest	Stumpf
Bonoff	Eaton	Johnson	Saxhaug	Tomassoni
Carlson	Eken	Kent	Scalze	Torres Ray
Champion	Franzen	Koenen	Schmit	Wiger
Clausen	Goodwin	Latz	Sheran	Wiklund
Cohen	Hawj	Lourey	Sieben	
Dahle	Hayden	Marty	Skoe	
Dibble	Hoffman	Pappas	Sparks	

The motion did not prevail. So the amendment was not adopted.

S.F. No. 1589 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 34 and nays 32, as follows:

Those who voted in the affirmative were:

Bakk	Eaton	Koenen	Rest	Sparks
Bonoff	Eken	Latz	Saxhaug	Stumpf
Carlson	Franzen	Lourey	Scalze	Tomassoni
Champion	Goodwin	Marty	Schmit	Torres Ray
Cohen	Hawj	Metzen	Sheran	Wiger
Dibble	Hayden	Pappas	Sieben	Wiklund
Dziedzic	Johnson	Reinert	Skoe	

Those who voted in the negative were:

Anderson	Fischbach	Jensen	Ortman	Senjem
Benson	Gazelka	Kent	Osmek	Thompson
Brown	Hall	Kiffmeyer	Pederson, J.	Weber
Chamberlain	Hann	Limmer	Petersen, B.	Westrom
Clausen	Hoffman	Nelson	Pratt	
Dahle	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 541: A bill for an act relating to liquor; regulating alcohol sales and distribution; authorizing various licenses; amending Minnesota Statutes 2012, sections 340A.301, subdivisions

6b, 6c, 7, 7a, by adding a subdivision; 340A.4042; 340A.418; Laws 1999, chapter 202, section 13; Laws 2012, chapter 235, section 8.

Senator Dibble moved to amend S.F. No. 541 as follows:

Page 10, line 5, delete "BREW PUB" and insert "OFF-SALE"

Page 10, line 8, after "may" insert ", with the approval of the commissioner of public safety,"

Page 10, line 11, after the period, insert "Off-sale of sake shall be limited to the legal hours for off-sale at exclusive liquor stores in the city of Minneapolis and the sake sold at off-sale must be removed from the premises before the off-sale closing time at exclusive liquor stores."

The motion prevailed. So the amendment was adopted.

Senator Pappas moved to amend S.F. No. 541 as follows:

Page 10, after line 25, insert:

"Sec. 13. CITY OF ST. PAUL; INTOXICATING MALT LIQUOR.

Notwithstanding any other requirements under Minnesota Statutes, section 340A.404, subdivision 5, the city of St. Paul may authorize a holder of an on-sale wine license issued pursuant to Minnesota Statutes, section 340A.404, subdivision 5, who is also licensed to sell 3.2 percent malt liquors at on-sale pursuant to Minnesota Statutes, section 340A.411, to sell intoxicating malt liquors at on-sale without an additional license.

EFFECTIVE DATE. This section is effective upon approval by the St. Paul City Council and compliance with Minnesota Statutes, section 645.021."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 541 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 4, as follows:

Those who voted in the affirmative were:

Bakk	Eken	Kent	Pederson, J.	Sparks
Benson	Fischbach	Kiffmeyer	Petersen, B.	Stumpf
Bonoff	Franzen	Koenen	Pratt	Thompson
Carlson	Gazelka	Latz	Reinert	Tomassoni
Chamberlain	Goodwin	Lourey	Rosen	Torres Ray
Champion	Hann	Marty	Ruud	Weber
Clausen	Hawj	Metzen	Saxhaug	Westrom
Cohen	Hayden	Nelson	Scalze	Wiger
Dahle	Hoffman	Newman	Schmit	Wiklund
Dahms	Housley	Nienow	Senjem	
Dibble	Ingebrigtsen	Ortman	Sheran	
Dziedzic	Jensen	Osmeck	Sieben	
Eaton	Johnson	Pappas	Skoe	

Those who voted in the negative were:

Anderson

Brown

Hall

Rest

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 769: A bill for an act relating to public safety; clarifying certain statutory provisions relating to crime victim rights and programs; providing for a restitution working group; amending Minnesota Statutes 2012, sections 13.871, subdivision 5; 611A.0315; 611A.036, subdivision 7; 629.72, subdivisions 1, 1a, 2, 6, 7; 629.73; proposing coding for new law in Minnesota Statutes, chapter 13.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dziedzic	Ingebrigtsen	Osmek	Sheran
Bakk	Eaton	Jensen	Pappas	Sieben
Benson	Eken	Johnson	Pederson, J.	Skoe
Bonoff	Fischbach	Kent	Petersen, B.	Sparks
Brown	Franzen	Kiffmeyer	Pratt	Stumpf
Carlson	Gazelka	Koenen	Reinert	Thompson
Chamberlain	Goodwin	Latz	Rest	Tomassoni
Champion	Hall	Marty	Rosen	Torres Ray
Clausen	Hann	Metzen	Ruud	Weber
Cohen	Hawj	Nelson	Saxhaug	Westrom
Dahle	Hayden	Newman	Scalze	Wiger
Dahms	Hoffman	Nienow	Schmit	Wiklund
Dibble	Housley	Ortman	Senjem	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 504: A bill for an act relating to workers' compensation reinsurance; eliminating the reinsurance association prefunded limit; amending Minnesota Statutes 2012, section 79.35.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Hoffman	Nelson	Ruud
Bakk	Dziedzic	Housley	Newman	Saxhaug
Benson	Eaton	Ingebrigtsen	Nienow	Scalze
Bonoff	Eken	Jensen	Ortman	Schmit
Brown	Fischbach	Johnson	Osmek	Senjem
Carlson	Franzen	Kent	Pappas	Sheran
Chamberlain	Gazelka	Kiffmeyer	Pederson, J.	Sieben
Champion	Goodwin	Koenen	Petersen, B.	Skoe
Clausen	Hall	Latz	Pratt	Sparks
Cohen	Hann	Lourey	Reinert	Stumpf
Dahle	Hawj	Marty	Rest	Thompson
Dahms	Hayden	Metzen	Rosen	Tomassoni

Torres Ray

Weber

Wiger

Wiklund

Those who voted in the negative were:

Westrom

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Petersen, B. moved that S.F. No. 453 be withdrawn from the Committee on Finance and re-referred to the Committee on Education.

Pursuant to Rule 5.1, Senator Latz raised a point of order as to whether the Petersen, B. motion was in order. The President ruled the Petersen, B. motion out of order.

MEMBERS EXCUSED

Senator Miller was excused from the Session of today. Senator Fischbach was excused from the Session of today from 1:30 to 1:55 p.m. Senator Sheran was excused from the Session of today from 3:40 to 3:50 p.m. Senator Limmer was excused from the Session of today at 4:20 p.m.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Wednesday, April 17, 2013. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

