

SEVENTIETH DAY

St. Paul, Minnesota, Thursday, March 13, 2014

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. Jon Ellefson.

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

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 communications were received.

March 12, 2014

The Honorable Sandra L. Pappas
President of the Senate

Dear Madam President:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, Chapter 146, S.F. No. 629.

Sincerely,
Mark Dayton, Governor

March 12, 2014

The Honorable Paul Thissen
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2014 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2014	Date Filed 2014
629		146	12:16 p.m. March 12	March 12

Sincerely,
Mark Ritchie
Secretary of State

REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 2000. The motion prevailed.

Senator Marty from the Committee on Environment and Energy, to which was referred

S.F. No. 2016: A bill for an act relating to natural resources; modifying water appropriation provisions; providing for administrative penalties for water appropriation violations; amending Minnesota Statutes 2012, sections 103G.251; 103G.271, subdivisions 5, 6; 103G.281, subdivisions 1, 2, by adding a subdivision; 103G.301, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 103G.

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

Page 1, line 15, delete the new language

Page 5, delete section 5

Page 5, line 21, delete "person" and insert "permit holder, who is categorized for water allocation priority purposes under section 103G.261, paragraph (a), clauses (2) to (6),"

Page 6, line 2, after "assessing" insert "administrative" and delete everything after "penalties" and insert "based on potential for harm and deviation from compliance. For a violation that presents: (1) a minor potential for harm and deviation from compliance, the penalty will be no more than \$1,000; (2) a moderate potential for harm and deviation from compliance, the penalty will be no more than \$10,000; and (3) a severe potential for harm and deviation from compliance, the penalty will be no more than \$20,000."

Page 6, delete line 3

Page 6, line 5, delete everything after "(1)" and insert "the gravity of the violation, including potential for, or real, damage to the public interest or natural resources of the state;"

Page 6, delete lines 6 and 7

Page 6, line 8, delete "(3)" and insert "(2)"

Page 6, line 9, delete "(4)" and insert "(3)"

Page 6, line 10, delete "(5)" and insert "(4)"

Page 6, line 11, after "violation" insert "based on data from local or state bureaus or educational institutions"

Page 6, line 12, delete "(6)" and insert "(5)"

Page 6, line 35, delete everything after the period

Page 6, delete line 36 and insert:

"(c) The commissioner must determine whether the violation has been corrected and notify the person subject to the order of the commissioner's determination."

Page 7, line 1, delete everything after "(a)"

Page 7, delete lines 2 and 3

Page 7, line 4, delete everything before "Unless"

Page 7, line 10, delete "(b)" and insert "(c)"

Page 7, line 14, delete everything after "(b)"

Page 7, line 15, delete "a penalty that is not forgiven after the corrective action is taken."

Page 8, line 35, after the period, insert "The plan must include explanations for how the commissioner will determine whether violations are minor, moderate, or severe."

Page 9, line 25, delete "2015" and insert "2016"

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Senator Marty from the Committee on Environment and Energy, to which was referred

S.F. No. 2191: A bill for an act relating to natural resources; modifying all-terrain vehicle operating restrictions; providing for certain regulatory efficiencies; modifying use and designation of forest trails; modifying invasive species provisions; modifying Water Law; modifying outdoor recreation system provisions; appropriating money; amending Minnesota Statutes 2012, sections 13.055, subdivision 5; 17.4982, subdivision 18a; 84.027, subdivisions 12, 13a, 14a; 84.0857; 84.925, subdivision 5; 84.926, subdivision 4; 84D.01, subdivisions 8, 13, 15, 17, 18; 84D.03, as amended; 84D.06; 84D.10, subdivision 3; 84D.11, subdivision 2a; 84D.12; 84D.13, subdivision 5; 86A.09; 86A.11; 89.19, subdivision 2; 97C.821; 103F.121, subdivisions 2, 5; 103F.165, subdivision 3; 103G.245, subdivision 2; 103G.615, subdivision 3a; Minnesota Statutes 2013 Supplement, sections 84.027, subdivision 13; 84D.10, subdivision 4; repealing Minnesota Statutes 2012, sections 84.521; 89.01, subdivision 7; 103F.121, subdivisions 3, 4; 103F.165, subdivision 2.

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

Page 1, delete section 1

Page 6, delete section 9 and insert:

"Sec. 8. Minnesota Statutes 2012, section 84.926, subdivision 4, is amended to read:

Subd. 4. **Off-road and all-terrain vehicles; limited or managed forests; trails.** Notwithstanding section 84.777, but subject to the commissioner's authority under subdivision 5, on state forest lands classified as limited or managed, other than the Richard J. Dorer Memorial Hardwood Forest, a person may use vehicles registered under chapter 168 or section 84.798 or 84.922, including class 2 all-terrain vehicles, on forest trails designated for off-road vehicle use and on forest trails that are not designated for a specific use when:

(1) hunting big game or transporting or installing hunting stands during October, November, and December, when in possession of a valid big game hunting license;

(2) retrieving big game in September, when in possession of a valid big game hunting license;

(3) tending traps during an open trapping season for protected furbearers, when in possession of a valid trapping license; or

(4) trapping minnows, when in possession of a valid minnow dealer, private fish hatchery, or aquatic farm license."

Page 15, delete section 24

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Marty from the Committee on Environment and Energy, to which was referred

S.F. No. 2272: A bill for an act relating to natural resources; establishing review and certification process for ordinances and variances adopted under Lower St. Croix Wild and Scenic River Act; establishing variance criteria; amending Minnesota Statutes 2012, section 103F.351, by adding subdivisions.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State and Local Government. Report adopted.

Senator Marty from the Committee on Environment and Energy, to which was referred

S.F. No. 2256: A bill for an act relating to game and fish; modifying wolf management provisions; providing limits on wolf baiting; providing for temporary suspension of wolf hunt; amending Minnesota Statutes 2012, sections 97B.646; 97B.647, subdivision 3, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State and Local Government. Report adopted.

Senator Marty from the Committee on Environment and Energy, to which was referred

H.F. No. 683: A bill for an act relating to water; creating Legislative Water Commission; providing appointments; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State and Local Government. Report adopted.

Senator Metzen from the Committee on Commerce, to which was referred

S.F. No. 2372: A bill for an act relating to insurance; modifying certain regulations to reduce the incidence of insurance fraud; providing an administrative penalty for insurance fraud; creating a process for deauthorization of the right of health care providers to receive certain payments under chapter 65B; limiting reimbursement for certain prescription drugs; regulating batch billing; modifying certain economic benefits under chapter 65B; establishing a task force on motor vehicle insurance coverage verification; amending Minnesota Statutes 2012, sections 13.7191, subdivision 16; 60A.952, subdivision 3; 65B.44, subdivisions 2, 3, 4, 6, by adding a subdivision; 72A.502, subdivision 2; 169.09, subdivision 13; Minnesota Statutes 2013 Supplement, section 45.0135, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 45; repealing Minnesota Statutes 2012, section 72A.327.

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

Page 1, after line 20, insert:

"Sec. 2. Minnesota Statutes 2012, section 13.82, subdivision 6, is amended to read:

Subd. 6. **Response or incident data.** The following data created or collected by law enforcement agencies which document the agency's response to a request for service including, but not limited to, responses to traffic accidents, or which describe actions taken by the agency on its own initiative shall be public government data 90 days after the data was created or collected:

- (a) date, time and place of the action;
- (b) agencies, units of agencies and individual agency personnel participating in the action unless the identities of agency personnel qualify for protection under subdivision 17;
- (c) any resistance encountered by the agency;
- (d) any pursuit engaged in by the agency;

- (e) whether any weapons were used by the agency or other individuals;
- (f) a brief factual reconstruction of events associated with the action;
- (g) names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection under subdivision 17;
- (h) names and addresses of any victims or casualties unless the identities of those individuals qualify for protection under subdivision 17;
- (i) the name and location of the health care facility to which victims or casualties were taken;
- (j) response or incident report number;
- (k) dates of birth of the parties involved in a traffic accident;
- (l) whether the parties involved were wearing seat belts; and
- (m) the alcohol concentration of each driver."

Page 1, line 24, delete everything after "609.611"

Page 1, line 25, delete everything before the comma

Page 2, after line 16, insert:

"(e) All hearings under this subdivision must be conducted in accordance with chapter 14 and any other applicable law."

Page 2, delete section 3 and insert:

"Sec. 4. [45.0137] DEAUTHORIZATION OF PROVIDERS FROM RECEIVING CERTAIN PAYMENTS UNDER CHAPTER 65B.

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

(b) "Appropriate licensing authority" means the state agency responsible for licensing and discipline of a provider.

(c) "Commissioner" means the commissioner of commerce.

(d) "Medical services" means those services eligible for reimbursement under section 65B.44, subdivision 2.

(e) "Provider of medical services" or "provider" means a person or entity that has provided medical services.

Subd. 2. **Deauthorization of providers.** An appropriate licensing authority may, by order, remove authorization for a provider of medical services to demand or request payment for medical services upon finding, after investigation as provided in subdivision 3, or referral by the commissioner, that the provider:

(1) has been guilty of professional or other misconduct or incompetency in connection with medical services rendered;

(2) has exceeded the limits of professional competence in providing medical services or has knowingly made a false statement or representation as to a material fact in any report made in connection with any claim under chapter 65B;

(3) solicited, or has employed another to solicit for the provider or for another, professional treatment, examination, or care of an injured person in connection with any claim under chapter 65B;

(4) has refused to appear before, or to answer upon request of, the commissioner or duly authorized officer of an appropriate licensing authority, any legal question, or to produce any relevant information concerning conduct in connection with providing medical services;

(5) has engaged in patterns of billing for medical services that were not provided; or

(6) has engaged in conduct which has resulted in the provider being placed on the United States Department of Health and Human Services, Office of the Inspector General, List of Excluded Individuals and Entities.

Subd. 3. **Investigation.** (a) An appropriate licensing authority may investigate any reports, allegations, or other information in its possession regarding providers engaging in any of the unlawful activities set forth in subdivision 2.

(b) The commissioner may also investigate any reports made under section 45.0135, or other information in the commissioner's possession, regarding providers of medical services engaging in any of the unlawful activities set forth in subdivision 2. After conducting an investigation, the commissioner may refer to the appropriate licensing authority a list of any providers who the commissioner believes may have engaged in any of the unlawful activities set forth in subdivision 2 together with a description of the grounds for inclusion on the list. Within 60 days of receipt of the list, the appropriate licensing authority must notify the commissioner in writing of any action taken with respect to the provider, including whether an order was made under subdivision 2. The commissioner must post on the department's Web site a list of providers for which an order was issued under subdivision 2.

(c) Hearings under this section must be conducted in accordance with chapter 14 and any other applicable law.

Subd. 4. **Not compensable.** If a provider renders medical services to an insured notwithstanding issuance of an order under subdivision 2 those medical services are not compensable and may not be billed to the insured."

Page 5, line 12, delete "60" and insert "90"

Page 7, delete section 11

Page 10, line 2, after "Federation" insert "of Minnesota"

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Transportation and Public Safety. Amendments adopted. Report adopted.

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

S.F. No. 1806: A bill for an act relating to state government; requiring certificates of pay equity compliance as a condition for certain state contracts; classifying data; requiring a report; appropriating money; amending Minnesota Statutes 2012, section 13.552, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16C; 363A.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 13.552, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in subdivisions 2 to 6 7 are codified outside this chapter. Those sections classify human rights data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 2. Minnesota Statutes 2012, section 13.552, is amended by adding a subdivision to read:

Subd. 7. **Certificates of compliance.** Access to data relating to certificates of pay equity compliance issued by the Department of Human Rights is governed by section 363A.44.

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

Sec. 3. **[16C.37] CERTIFICATE OF PAY EQUITY COMPLIANCE REQUIRED.**

Subdivision 1. **Definitions.** The following terms have the meanings given them.

(a) "Balanced class" means any class in which no more than 80 percent of the members are male and no more than 70 percent of the members are female.

(b) "Business" means a business having more than 40 full-time employees within the state on a single working day during the previous 12 months.

(c) "Certificate of pay equity compliance" means a certificate of pay equity compliance issued by the commissioner of human rights under section 363A.44.

(d) "Class" means one or more positions that have similar duties, responsibilities, and general qualifications necessary to perform the duties, with comparable selection procedures used to recruit employees, and use of the same compensation schedule.

(e) "Comparable work value" means the value of work measured by the skill, effort, responsibility, and working conditions normally required in the performance of the work.

(f) "Equitable compensation relationship" means that the compensation for female-dominated classes is not consistently below the compensation for male-dominated classes of comparable work value within the business, as determined under subdivision 4.

(g) "Female-dominated class" means any class in which 70 percent or more of the members are female.

(h) "Male-dominated class" means any class in which 80 percent or more of the members are male.

(i) "Position" means a group of current duties and responsibilities assigned or delegated by a supervisor to an individual.

Subd. 2. **Establishment.** Every business that contracts with the state for goods and services in excess of \$500,000 shall establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees within the state to eliminate sex-based wage disparities. A primary consideration in negotiating, establishing, recommending, and approving compensation is comparable work value in relationship to other employee positions within the business.

Subd. 3. **Required certificate of pay equity.** For a contract for goods or services in excess of \$500,000, a state department or agency may not accept a bid or proposal from a business unless the business has a certificate of pay equity compliance, the commissioner of human rights is in receipt of the business's gender pay equity certificate application, or the business has certified that it is exempt. No department or agency shall execute any contract or agreement for goods or services in excess of \$500,000 with a business unless the business has a certificate of pay equity compliance or the business has certified that it is exempt.

Subd. 4. **Job evaluation system.** Every business that contracts with the state for goods and services in excess of \$500,000 shall use a job evaluation system to determine the comparable work value of the work performed by each class of its employees within the state. The system must be maintained and updated to account for new employee classes and any changes in factors affecting the comparable work value of existing classes.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to contracts for which a state department or agency issues solicitations on or after that date.

Sec. 4. Minnesota Statutes 2012, section 363A.35, is amended by adding a subdivision to read:

Subd. 5. **Access to certificate data.** (a) Except as otherwise provided in this subdivision, data relating to an application for a certificate of pay equity compliance with the Department of Human Rights under section 363A.44 are confidential data on individuals or protected nonpublic data. A contractor may consent to the release to its attorney or other legal representative.

(b) The name and address of the applicant or certificate holder and the commissioner's decision to grant, deny, revoke, or suspend a certificate is public data.

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

Sec. 5. **[363A.44] CERTIFICATE OF PAY EQUITY COMPLIANCE.**

Subdivision 1. **Definitions.** The following terms have the meanings given them.

(a) "Balanced class" means any class in which no more than 80 percent of the members are male and no more than 70 percent of the members are female.

(b) "Business" means a business having more than 40 full-time employees within the state on a single working day during the previous 12 months.

(c) "Class" means one or more positions that have similar duties, responsibilities, and general qualifications necessary to perform the duties, with comparable selection procedures used to recruit employees, and use of the same compensation schedule.

(d) "Comparable work value" means the value of work measured by the skill, effort, responsibility, and working conditions normally required in the performance of the work.

(e) "Equitable compensation relationship" means that the compensation for female-dominated classes is not consistently below the compensation for male-dominated classes of comparable work value within the business, as determined under section 16C.37, subdivision 4.

(f) "Female-dominated class" means any class in which 70 percent or more of the members are female.

(g) "Male-dominated class" means any class in which 80 percent or more of the members are male.

(h) "Position" means a group of current duties and responsibilities assigned or delegated by a supervisor to an individual.

Subd. 2. **Compliance; good faith effort.** (a) The commissioner must issue a certificate of pay equity compliance to a business if the business demonstrates that it is in compliance with equitable compensation relationship standards or is making a good faith effort to achieve compliance with those standards. As used in this section, "certificate of compliance" means a certificate of pay equity compliance. A certificate of compliance is valid for four years. The standards for determining equitable compensation relationships for a business under this section are:

(1) compensation for positions within the business's work force must bear reasonable relationship among job classes and among various levels within the same occupational group;

(2) compensation for positions must bear reasonable relationship to similar positions outside of the business's employment; and

(3) compensation for classified positions, unclassified positions, and management must bear reasonable relationship to one another.

(b) Until August 1, 2015, a business that is not in compliance with equitable compensation relationship standards is making a good faith effort to achieve compliance if the commissioner has approved:

(1) a statement of the business's intention to prepare a pay equity report and an estimated date no later than July 1, 2016, when the report and plan will be submitted; and

(2) information on the business's current status, including a statement on the existence of a job evaluation system, the total number of male and female employees of the business within this state, and the business's interest in receiving training on how to establish equitable compensation relationships.

(c) On or after August 1, 2015, a business that is not in compliance with equitable compensation relationship standards is making a good faith effort to achieve compliance if the commissioner has approved:

(1) a plan for achieving compliance, including the business's proposed actions and response to the commissioner's recommendations; and

(2) a proposed date for achieving compliance and for submitting a revised report for the commissioner's review.

Subd. 3. **Reasonable relationship defined.** For purposes of subdivision 2, compensation for positions bear "reasonable relationship" to one another if:

(1) the compensation for positions which require comparable skill, effort, responsibility, working conditions, and other relevant work-related criteria is comparable; and

(2) the compensation for positions which require differing skill, effort, responsibility, working conditions, and other relevant work-related criteria is proportional to the skill, effort, responsibility, working conditions, and other relevant work-related criteria required.

Subd. 4. **Filing fee; account; appropriation.** The commissioner shall collect a \$150 fee for each certificate of compliance issued by the commissioner under this section. The proceeds of the fee must be deposited in the state treasury and credited to a pay equity fee special revenue account. Money in the account is appropriated to the commissioner to fund the cost of administering this section.

Subd. 5. **Revocation of certificate.** A certificate of compliance may be suspended or revoked by the commissioner if a holder of a certificate is not effectively implementing or making a good faith effort to implement its approved plan to establish equitable compensation relationships. If a business does not effectively implement its approved plan, or fails to make a good faith effort to do so, the commissioner may refuse to approve subsequent plans submitted by that business.

Subd. 6. **Revocation of contract.** A contract awarded by a department or agency of the state to a business may be terminated or abridged by the contracting department or agency if that business's certificate of compliance is suspended or revoked. If a contract is awarded to a business that does not have a contract certificate of compliance as required, the commissioner of administration may void the contract.

Subd. 7. **Technical assistance.** If the commissioner has suspended a business's certificate of compliance, the commissioner shall provide technical assistance to enable the business to be recertified within 90 days after the business's certificate of compliance has been suspended.

Subd. 8. **Access to data.** Data submitted to the commissioner by a business for purposes of obtaining a certificate of compliance under this section are private data on individuals or nonpublic data with respect to persons other than Department of Human Rights employees. The commissioner's decision to grant, not grant, revoke, or suspend a certificate of compliance is public data.

Subd. 9. **Rules.** The commissioner shall apply rules promulgated under sections 471.991 to 471.997 to implement this section.

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

Sec. 6. **REPORT.**

The commissioner of human rights, in cooperation with the commissioner of administration, shall report to the chairs and ranking minority members of the committees in the senate and house of representatives with primary jurisdiction over the administration of state contracts for goods and services, by July 31, 2015, on implementation of sections 1 to 3. The report must include findings and recommendations on any changes needed to ensure that state contractors achieve equitable compensation relationships."

Delete the title and insert:

"A bill for an act relating to state government; requiring certificates of pay equity compliance as a condition for certain state contracts; classifying data; requiring a report; appropriating money; amending Minnesota Statutes 2012, sections 13.552, subdivision 1, by adding a subdivision; 363A.35, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16C; 363A."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

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

S.F. No. 1770: A bill for an act relating to data practices; clarifying application of government data practices act to parties contracting with a government entity; amending Minnesota Statutes 2012, section 13.05, subdivision 11.

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

Page 1, line 11, after "chapter" insert "governing access to and classification of the data"

And when so amended the bill do pass. Amendments adopted. Report adopted.

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

S.F. No. 2415: A bill for an act relating to state government; requiring a feasibility study on creating a central fund to pay for costs of providing accommodations to state employees with disabilities.

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

Page 1, line 7, delete "legislature" and insert "chairs and ranking minority members in the senate and the house of representatives of committees with primary jurisdiction over state employment"

Page 1, line 8, delete "central" and insert "dedicated account in the special revenue fund"

Page 1, line 9, delete "fund in the state treasury"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

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

S.F. No. 2310: A bill for an act relating to state government; eliminating or modernizing antiquated, unnecessary, and obsolete language; amending Minnesota Statutes 2012, sections 16E.01, as amended; 16E.03, subdivision 2; 16E.035; 16E.05, subdivision 1; Minnesota Statutes 2013 Supplement, sections 16E.04, subdivision 2; 16E.18, subdivision 8; repealing Minnesota Statutes 2012, sections 16E.02, subdivisions 2, 3; 16E.03, subdivision 8; 16E.0475.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S.F. No. 2110: A bill for an act relating to state government; exempting a person who performs threading from licensing; authorizing the good cause exemption for rulemaking; amending Minnesota Statutes 2012, sections 155A.23, by adding a subdivision; 155A.27, subdivision 9; 155A.29, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S.F. No. 2027: A bill for an act relating to health; regulating e-cigarettes; amending Minnesota Statutes 2012, sections 144.413, subdivision 4; 144.4165; 461.12; 461.18; 461.19; 609.685; 609.6855.

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

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 1998: A bill for an act relating to public safety; establishing a working group to study and make recommendations on how to address mentally ill offenders who are arrested or subject to arrest; requiring a report.

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

Page 2, line 13, delete "September" and insert "August"

Page 2, line 16, delete "December" and insert "January"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 2378: A bill for an act relating to human services; providing that certain human services advisory councils do not expire; amending Minnesota Statutes 2013 Supplement, sections 254A.035, subdivision 2; 254A.04; 260.835, subdivision 2.

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

Page 2, after line 13, insert:

"Sec. 3. Minnesota Statutes 2013 Supplement, section 256B.093, subdivision 1, is amended to read:

Subdivision 1. **State traumatic brain injury program.** (a) The commissioner of human services shall:

(1) maintain a statewide traumatic brain injury program;

- (2) supervise and coordinate services and policies for persons with traumatic brain injuries;
- (3) contract with qualified agencies or employ staff to provide statewide administrative case management and consultation;
- (4) maintain an advisory committee to provide recommendations in reports to the commissioner regarding program and service needs of persons with brain injuries;
- (5) investigate the need for the development of rules or statutes for the brain injury home and community-based services waiver; and
- (6) investigate present and potential models of service coordination which can be delivered at the local level; and.

(7) (b) The advisory committee required by paragraph (a), clause (4), must consist of no fewer than ten members and no more than 30 members. The commissioner shall appoint all advisory committee members to one- or two-year terms and appoint one member as chair. Notwithstanding section 15.059, subdivision 5, the advisory committee does not ~~terminate until June 30, 2014~~ expire.

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

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government. Amendments adopted. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 2106: A bill for an act relating to health; modifying the use of the all-payer claims data; convening a work group to make recommendations on expanded uses of the all-payer claims database; amending Minnesota Statutes 2012, section 62U.04, subdivisions 2, 3, 3b, 3c, 3d, 4, 5, by adding subdivisions; repealing Minnesota Statutes 2012, section 62U.04, subdivision 7.

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

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. **Suspension.** Notwithstanding subdivisions 3, 3a, 3b, 3c, and 3d, the commissioner shall suspend the development and implementation of the provider peer grouping system required under this section. This suspension shall continue until the legislature authorizes the commissioner to resume this activity.

Sec. 3. Minnesota Statutes 2012, section 62U.04, is amended by adding a subdivision to read:

Subd. 11. **Restricted uses of the all-payer claims data.** (a) Notwithstanding subdivision 4, paragraph (b), and subdivision 5, paragraph (b), the commissioner or 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. 4. Minnesota Statutes 2012, section 62U.04, is amended by adding a subdivision to read:

Subd. 12. **ALL-PAYER CLAIMS DATABASE WORK GROUP.** (a) The commissioner of health shall convene a work group to develop a framework for the expanded use of the all-payer claims database established under Minnesota Statutes, section 62U.04. The work group shall develop recommendations based on the following questions and other topics as identified by the work group:

(1) what should the parameters be for allowable uses of the all-payer claims data collected under Minnesota Statutes, section 62U.04, beyond the uses authorized in Minnesota Statutes, section 62U.04, subdivision 11;

(2) what type of advisory or governing body should guide the release of data from the all-payer claims database;

(3) what type of funding or fee structure would be needed to support the expanded use of all-payer claims data;

(4) what should the mechanisms be by which the data would be released or accessed, including the necessary information technology infrastructure to support the expanded use of the data under different assumptions related to the number of potential requests and manner of access;

(5) what are the appropriate privacy and security protections needed for the expanded use of the all-payer claims database; and

(6) what additional resources might be needed to support the expanded use of the all-payer claims database, including expected resources related to information technology infrastructure, review of proposals, maintenance of data use agreements, staffing an advisory body, or other new efforts.

(b) The commissioner of health shall appoint the members to the work group as follows:

(1) two members recommended by the Minnesota Medical Association;

(2) two members recommended by the Minnesota Hospital Association;

(3) two members recommended by the Minnesota Council of Health Plans;

(4) one member who is a data practices expert from the Department of Administration;

(5) three members who are academic researchers with expertise in claims database analysis;

(6) two members representing two state agencies determined by the commissioner;

(7) one member representing the Minnesota Health Care Safety Net Coalition; and

(8) three members representing consumers.

(c) The commissioner of health shall submit a report on the recommendations of the work group to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health and human services, judiciary, and civil law by February 1, 2015. In considering the recommendations provided in the report, the legislature may consider whether the currently authorized uses of the all-payer claims data under section 62U.04 should continue to be authorized.

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 the use of the all-payer claims data; convening a work group to make recommendations on expanded uses of the all-payer claims database; amending Minnesota Statutes 2012, section 62U.04, subdivision 4, by adding subdivisions."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 2547: A bill for an act relating to human services; modifying requirements for human services background studies; amending Minnesota Statutes 2012, sections 245C.03, by adding a subdivision; 245C.05, subdivisions 1, 2c, 5; 245C.32, by adding a subdivision; Minnesota Statutes 2013 Supplement, section 245C.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245C.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 245C.02, is amended by adding a subdivision to read:

Subd. 4a. **Authorized fingerprint collection vendor.** "Authorized fingerprint collection vendor" means a qualified organization under a written contract with the commissioner to provide services in accordance with section 245C.05, subdivision 5, paragraph (d).

Sec. 2. Minnesota Statutes 2012, section 245C.02, is amended by adding a subdivision to read:

Subd. 13a. **NETStudy.** "NETStudy" means the commissioner's online system implemented in July 2004 and used by entities for submitting background study requests required under this chapter.

Sec. 3. Minnesota Statutes 2012, section 245C.02, is amended by adding a subdivision to read:

Subd. 13b. **NETStudy 2.0.** "NETStudy 2.0" means the commissioner's system that replaces both NETStudy and the department's internal background study processing system. NETStudy 2.0 is designed to enhance protection of children and vulnerable adults by improving the accuracy of background studies through fingerprint-based criminal record checks and expanding the background studies to include a review of information from the Minnesota Court Information System and the national crime information database. NETStudy 2.0 is also designed to increase efficiencies in and speed of the hiring process by:

(1) providing access to and updates from public web-based data related to employment eligibility;

(2) decreasing the need for repeat studies through electronic updates of background study subjects' criminal records;

(3) supporting identity verification using subjects' Social Security numbers and photographs;

(4) using electronic employer notifications; and

(5) issuing immediate verification of subjects' eligibility to provide services as more studies are completed under the NETStudy 2.0 system.

Sec. 4. Minnesota Statutes 2012, section 245C.02, is amended by adding a subdivision to read:

Subd. 17a. **Roster.** (a) "Roster" means the electronic method used to identify the entity or entities required to conduct background studies under this chapter with which a background subject is affiliated. There are three types of rosters: active roster, inactive roster, and master roster.

(b) "Active roster" means the list of individuals specific to an entity who have been determined eligible under this chapter to provide services for the entity and who the entity has identified as affiliated. An individual shall remain on the entity's active roster and is considered affiliated until the commissioner determines the individual is ineligible or the entity removes the individual from the entity's active roster.

(c) "Inactive roster" means the list maintained by the commissioner of individuals who are eligible under this chapter to provide services and are not on an active roster. Individuals shall remain on the inactive roster for no more than 180 consecutive days, unless the individual submits a written request to the commissioner requesting to remain on the inactive roster for a longer period of time. Upon the commissioner's receipt of information that may cause an individual on the inactive roster to be disqualified under this chapter, the commissioner shall remove the individual from the inactive roster, and if the individual again seeks a position requiring a background study, the individual shall be required to complete a new background study.

(d) "Master roster" means the list maintained by the commissioner of all individuals who, as a result of a background study under this chapter, and regardless of affiliation with an entity, are determined by the commissioner to be eligible to provide services for one or more entities. The master roster includes all background study subjects on rosters under paragraphs (b) and (c).

Sec. 5. Minnesota Statutes 2012, section 245C.03, subdivision 2, is amended to read:

Subd. 2. **Personal care provider organizations and community first services and supports workers.** The commissioner shall conduct background studies on any individual required under sections 256B.0651 to 256B.0656 and, 256B.0659, and 256B.85 to have a background study completed under this chapter.

Sec. 6. Minnesota Statutes 2012, section 245C.03, is amended by adding a subdivision to read:

Subd. 8. **Self-initiated background studies.** Upon implementation of NETStudy 2.0, the commissioner shall conduct background studies according to this chapter when initiated by an individual who is not on the master roster. A subject under this subdivision who is not disqualified must be placed on the inactive roster.

Sec. 7. Minnesota Statutes 2012, section 245C.04, subdivision 1, is amended to read:

Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a background study of an individual required to be studied under section 245C.03, subdivision 1, at least upon application for initial license for all license types.

(b) The commissioner shall conduct a background study of an individual required to be studied under section 245C.03, subdivision 1, at reapplication for a license for family child care.

(c) The commissioner is not required to conduct a study of an individual at the time of reapplication for a license if the individual's background study was completed by the commissioner of human services for an adult foster care license holder that is also:

(1) registered under chapter 144D; or

(2) licensed to provide home and community-based services to people with disabilities at the foster care location and the license holder does not reside in the foster care residence; and

(3) the following conditions are met:

(i) a study of the individual was conducted either at the time of initial licensure or when the individual became affiliated with the license holder;

(ii) the individual has been continuously affiliated with the license holder since the last study was conducted; and

(iii) the last study of the individual was conducted on or after October 1, 1995.

(d) From July 1, 2007, to June 30, 2009, the commissioner of human services shall conduct a study of an individual required to be studied under section 245C.03, at the time of reapplication for a child foster care license. The county or private agency shall collect and forward to the commissioner the information required under section 245C.05, subdivisions 1, paragraphs (a) and (b), and 5, paragraphs (a) and (b). The background study conducted by the commissioner of human services under this paragraph must include a review of the information required under section 245C.08, subdivisions 1, paragraph (a), clauses (1) to (5), 3, and 4.

(e) The commissioner of human services shall conduct a background study of an individual specified under section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6), who is newly affiliated with a child foster care license holder. The county or private agency shall collect and forward to the commissioner the information required under section 245C.05, subdivisions 1 and 5. The background study conducted by the commissioner of human services under this paragraph must include a review of the information required under section 245C.08, subdivisions 1, 3, and 4.

(f) From January 1, 2010, to December 31, 2012, unless otherwise specified in paragraph (c), the commissioner shall conduct a study of an individual required to be studied under section 245C.03 at the time of reapplication for an adult foster care or family adult day services license: (1) the county shall collect and forward to the commissioner the information required under section 245C.05, subdivision 1, paragraphs (a) and (b), and subdivision 5, paragraphs (a) and (b), for background studies conducted by the commissioner for all family adult day services and for adult foster care when the adult foster care license holder resides in the adult foster care or family adult day services residence; (2) the license holder shall collect and forward to the commissioner the information required under section 245C.05, subdivisions 1, paragraphs (a) and (b); and 5, paragraphs (a) and

(b), for background studies conducted by the commissioner for adult foster care when the license holder does not reside in the adult foster care residence; and (3) the background study conducted by the commissioner under this paragraph must include a review of the information required under section 245C.08, subdivision 1, paragraph (a), clauses (1) to (5), and subdivisions 3 and 4.

(g) The commissioner shall conduct a background study of an individual specified under section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6), who is newly affiliated with an adult foster care or family adult day services license holder: (1) the county shall collect and forward to the commissioner the information required under section 245C.05, subdivision 1, paragraphs (a) and (b), and subdivision 5, paragraphs (a) and (b), for background studies conducted by the commissioner for all family adult day services and for adult foster care when the adult foster care license holder resides in the adult foster care residence; (2) the license holder shall collect and forward to the commissioner the information required under section 245C.05, subdivisions 1, paragraphs (a) and (b); and 5, paragraphs (a) and (b), for background studies conducted by the commissioner for adult foster care when the license holder does not reside in the adult foster care residence; and (3) the background study conducted by the commissioner under this paragraph must include a review of the information required under section 245C.08, subdivision 1, paragraph (a), and subdivisions 3 and 4.

(h) Applicants for licensure, license holders, and other entities as provided in this chapter must submit completed background study forms to the commissioner before individuals specified in section 245C.03, subdivision 1, begin positions allowing direct contact in any licensed program.

(i) ~~A license holder~~ For an individual who is not on the entity's active roster, the entity must initiate a new background study through the commissioner's online background study system when:

(1) an individual returns to a position requiring a background study following an absence of 90 or more consecutive days; or

(2) a program that discontinued providing licensed direct contact services for 90 or more consecutive days begins to provide direct contact licensed services again.

The license holder shall maintain a copy of the notification provided to the commissioner under this paragraph in the program's files. If the individual's disqualification was previously set aside for the license holder's program and the new background study results in no new information that indicates the individual may pose a risk of harm to persons receiving services from the license holder, the previous set-aside shall remain in effect.

(j) For purposes of this section, a physician licensed under chapter 147 is considered to be continuously affiliated upon the license holder's receipt from the commissioner of health or human services of the physician's background study results.

(k) For purposes of family child care, a substitute caregiver must receive repeat background studies at the time of each license renewal.

Sec. 8. Minnesota Statutes 2013 Supplement, section 245C.04, subdivision 4a, is amended to read:

Subd. 4a. Agency background studies; electronic criminal case information updates; rosters; and criteria for eliminating repeat background studies. (a) The commissioner shall develop and implement an electronic process as a part of NETStudy 2.0 for the regular transfer

of new criminal case information that is added to the Minnesota court information system. The commissioner's system must include for review only information that relates to individuals who have been the subject of a background study under this chapter that remain affiliated with the agency that initiated the background study. For purposes of this paragraph, an individual remains affiliated with an agency that initiated the background study until the agency informs the commissioner that the individual is no longer affiliated. When any individual no longer affiliated according to this paragraph returns to a position requiring a background study under this chapter, the agency with whom the individual is again affiliated shall initiate a new background study regardless of the length of time the individual was no longer affiliated with the agency are on the master roster.

(b) The commissioner shall develop and implement an online system as a part of NETStudy 2.0 for agencies that initiate background studies under this chapter to access and maintain records of background studies initiated by that agency. The system must show all active background study subjects affiliated with that agency and the status of each individual's background study. Each agency that initiates background studies must use this system to notify the commissioner of discontinued affiliation for purposes of the processes required under paragraph (a).

(c) After an entity initiating a background study has paid the applicable fee for the study and has provided the individual with the privacy notice required under section 245C.05, subdivision 2c, NETStudy 2.0 shall immediately inform the entity whether the individual requires a background study or whether the individual is immediately eligible to provide services based on a previous background study. If the individual is immediately eligible, the entity initiating the background study shall be able to view the information previously supplied by the individual who is the subject of a background study as required under section 245C.05, subdivision 1, including the individual's photograph taken at the time the individual's fingerprints were recorded. The commissioner shall not provide any entity initiating a subsequent background study with information regarding the other entities that initiated background studies on the subject.

(d) Verification that an individual is eligible to provide services based on a previous background study is dependent on the individual voluntarily providing the individual's Social Security number to the commissioner at the time each background study is initiated. When an individual does not provide the individual's Social Security number for the background study, that study is not transferable and a repeat background study on that individual is required if the individual seeks a position requiring a background study under this chapter with another entity.

Sec. 9. Minnesota Statutes 2012, section 245C.05, subdivision 1, is amended to read:

Subdivision 1. **Individual studied.** (a) The individual who is the subject of the background study must provide the applicant, license holder, or other entity under section 245C.04 with sufficient information to ensure an accurate study, including:

(1) the individual's first, middle, and last name and all other names by which the individual has been known;

(2) current home address, city, and state of residence;

(3) current zip code;

(4) sex;

(5) date of birth; and

(6) Minnesota driver's license number or state identification number; and

(7) upon implementation of NETStudy 2.0, the home address, city, county, and state of residence for the past five years.

(b) Every subject of a background study conducted or initiated by counties or private agencies under this chapter must also provide the home address, city, county, and state of residence for the past five years.

(c) Every subject of a background study related to private agency adoptions or related to child foster care licensed through a private agency, who is 18 years of age or older, shall also provide the commissioner a signed consent for the release of any information received from national crime information databases to the private agency that initiated the background study.

(d) The subject of a background study shall provide fingerprints and a photograph as required in subdivision 5, ~~paragraph (c)~~.

Sec. 10. Minnesota Statutes 2012, section 245C.05, subdivision 2, is amended to read:

Subd. 2. **Applicant, license holder, or other entity.** (a) The applicant, license holder, or other entities as provided in this chapter shall verify that the information collected under subdivision 1 about an individual who is the subject of the background study is correct and must provide the information on forms or in a format prescribed by the commissioner.

(b) The information collected under subdivision 1 about an individual who is the subject of a completed background study may only be viewable by an entity that initiates a subsequent background study on that individual under NETStudy 2.0 after the entity has paid the applicable fee for the study and has provided the individual with the privacy notice in subdivision 2c.

Sec. 11. Minnesota Statutes 2012, section 245C.05, subdivision 2c, is amended to read:

Subd. 2c. **Privacy notice to background study subject.** (a) ~~For every~~ Prior to initiating each background study, the entity initiating the study must provide the commissioner's privacy notice to the background study subject required under section 13.04, subdivision 2, that is provided. The notice must be available through the commissioner's electronic NETStudy system or through the commissioner's background study forms and NETStudy 2.0 systems and shall include the information in ~~paragraph~~ paragraphs (b) and (c).

(b) The background study subject shall be informed that any previous background studies that received a set-aside will be reviewed, and without further contact with the background study subject, the commissioner may notify the agency that initiated the subsequent background study:

(1) that the individual has a disqualification that has been set aside for the program or agency that initiated the study;

(2) the reason for the disqualification; and

(3) that information about the decision to set aside the disqualification will be available to the license holder upon request without the consent of the background study subject.

(c) The background study subject must also be informed that:

(1) the subject's fingerprints collected for purposes of completing the background study under this chapter must not be retained by the Minnesota Department of Public Safety, Bureau of Criminal Apprehension, or by the commissioner, but will be retained by the Federal Bureau of Investigation;

(2) effective upon implementation of NETStudy 2.0, the subject's photographic image will be retained by the commissioner, and if the subject has provided the subject's Social Security number for purposes of the background study, the photographic image will be available to prospective employers and agencies initiating background studies under this chapter to verify the identity of the subject of the background study; and

(3) the commissioner's authorized fingerprint collection vendor shall, for purposes of verifying the identity of the background study subject, be able to view the identifying information entered into NETStudy 2.0 by the entity that initiated the background study, but shall not retain the subject's fingerprints, photograph, or information from NETStudy 2.0. The authorized fingerprint collection vendor shall retain no more than the subject's name and the date and time the subject's fingerprints were recorded and sent, only as necessary for auditing and billing activities.

Sec. 12. Minnesota Statutes 2012, section 245C.05, subdivision 4, is amended to read:

Subd. 4. **Electronic transmission.** (a) For background studies conducted by the Department of Human Services, the commissioner shall implement a secure system for the electronic transmission of:

- (1) background study information to the commissioner;
- (2) background study results to the license holder;
- (3) background study results to county and private agencies for background studies conducted by the commissioner for child foster care; and
- (4) background study results to county agencies for background studies conducted by the commissioner for adult foster care and family adult day services.

(b) Unless the commissioner has granted a hardship variance under paragraph (c), a license holder or an applicant must use the electronic transmission system known as NETStudy or NETStudy 2.0 to submit all requests for background studies to the commissioner as required by this chapter.

(c) A license holder or applicant whose program is located in an area in which high-speed Internet is inaccessible may request the commissioner to grant a variance to the electronic transmission requirement.

Sec. 13. Minnesota Statutes 2012, section 245C.05, subdivision 5, is amended to read:

Subd. 5. **Fingerprints and photograph.** (a) Before the implementation of NETStudy 2.0, except as provided in paragraph (c), for any background study completed under this chapter, when the commissioner has reasonable cause to believe that further pertinent information may exist on the subject of the background study, the subject shall provide the commissioner with a set of classifiable fingerprints obtained from an authorized agency.

(b) Before the implementation of NETStudy 2.0, for purposes of requiring fingerprints, the commissioner has reasonable cause when, but not limited to, the:

(1) information from the Bureau of Criminal Apprehension indicates that the subject is a multistate offender;

(2) information from the Bureau of Criminal Apprehension indicates that multistate offender status is undetermined; or

(3) commissioner has received a report from the subject or a third party indicating that the subject has a criminal history in a jurisdiction other than Minnesota.

(c) ~~except as specified under section 245C.04, subdivision 1,~~ Notwithstanding paragraph (d), for background studies conducted by the commissioner for child foster care or adoptions, the subject of the background study, who is 18 years of age or older, shall provide the commissioner with a set of classifiable fingerprints obtained from an authorized agency.

(d) For background studies initiated on or after the implementation of NETStudy 2.0, every subject of a background study must provide the commissioner with a set of the background study subject's classifiable fingerprints and photograph. The photograph and fingerprints must be recorded at the same time by the commissioner's authorized fingerprint collection vendor and sent to the commissioner through the commissioner's secure data system described in section 245C.32, subdivision 1a, paragraph (b). The fingerprints shall not be retained by the Minnesota Department of Public Safety, Bureau of Criminal Apprehension, or the commissioner, but will be retained by the Federal Bureau of Investigation. The commissioner's authorized fingerprint collection vendor shall, for purposes of verifying the identity of the background study subject, be able to view the identifying information entered into NETStudy 2.0 by the entity that initiated the background study, but shall not retain the subject's fingerprints, photograph, or information from NETStudy 2.0. The authorized fingerprint collection vendor shall retain no more than the name and date and time the subject's fingerprints were recorded and sent, only as necessary for auditing and billing activities.

Sec. 14. [245C.051] DESTRUCTION OF BACKGROUND STUDY SUBJECT INFORMATION.

(a) A background study subject may request in writing to the commissioner that information used to complete the individual's study in NETStudy 2.0 be destroyed if the individual:

(1) has not been affiliated with any entity for the previous two years; and

(2) has no current disqualifying characteristic.

(b) After receiving the request and verifying the information in paragraph (a), the commissioner shall destroy the information used to complete the subject's background study and shall keep a record of the subject's name and a notation of the date that the information was destroyed.

(c) When a previously studied individual has not been on the master roster for two years, the commissioner shall destroy the photographic image of the individual obtained under section 245C.05, subdivision 5, paragraph (d).

(d) Any data collected on an individual under this chapter that is maintained by the commissioner that has not been destroyed according to paragraph (b) or (c), shall be destroyed when two years have elapsed from the individual's actual death that is reported to the commissioner or the presumed death of the individual. For purposes of this subdivision, an individual is presumed to be dead if either 90 years elapsed since the creation of the data or 90 years have elapsed since the individual's

birth, whichever is earlier, except that an individual is not presumed to be dead if readily available data indicate that the individual is still living.

Sec. 15. Minnesota Statutes 2012, section 245C.07, is amended to read:

245C.07 STUDY SUBJECT AFFILIATED WITH MULTIPLE FACILITIES.

(a) Subject to the conditions in paragraph (d), when a license holder, applicant, or other entity owns multiple programs or services that are licensed by the Department of Human Services, Department of Health, or Department of Corrections, only one background study is required for an individual who provides direct contact services in one or more of the licensed programs or services if:

(1) the license holder designates one individual with one address and telephone number as the person to receive sensitive background study information for the multiple licensed programs or services that depend on the same background study; and

(2) the individual designated to receive the sensitive background study information is capable of determining, upon request of the department, whether a background study subject is providing direct contact services in one or more of the license holder's programs or services and, if so, at which location or locations.

(b) When a license holder maintains background study compliance for multiple licensed programs according to paragraph (a), and one or more of the licensed programs closes, the license holder shall immediately notify the commissioner which staff must be transferred to an active license so that the background studies can be electronically paired with the license holder's active program.

(c) When a background study is being initiated by a licensed program or service or a foster care provider that is also registered under chapter 144D, a study subject affiliated with multiple licensed programs or services may attach to the background study form a cover letter indicating the additional names of the programs or services, addresses, and background study identification numbers.

When the commissioner receives a notice, the commissioner shall notify each program or service identified by the background study subject of the study results.

The background study notice the commissioner sends to the subsequent agencies shall satisfy those programs' or services' responsibilities for initiating a background study on that individual.

(d) If a background study was conducted on an individual related to child foster care and the requirements under paragraph (a) are met, the background study is transferable across all licensed programs. If a background study was conducted on an individual under a license other than child foster care and the requirements under paragraph (a) are met, the background study is transferable to all licensed programs except child foster care.

(e) The provisions of this section that allow a single background study in one or more licensed programs or services do not apply to background studies submitted by adoption agencies, supplemental nursing services agencies, personnel agencies, educational programs, professional services agencies, and unlicensed personal care provider organizations.

(f) For an entity operating under NETStudy 2.0, the entity's active roster must be the system used to document when a background study subject is affiliated with multiple entities.

Sec. 16. Minnesota Statutes 2013 Supplement, section 245C.08, subdivision 1, is amended to read:

Subdivision 1. **Background studies conducted by Department of Human Services.** (a) For a background study conducted by the Department of Human Services, the commissioner shall review:

(1) information related to names of substantiated perpetrators of maltreatment of vulnerable adults that has been received by the commissioner as required under section 626.557, subdivision 9c, paragraph (j);

(2) the commissioner's records relating to the maltreatment of minors in licensed programs, and from findings of maltreatment of minors as indicated through the social service information system;

(3) information from juvenile courts as required in subdivision 4 for individuals listed in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

(4) information from the Bureau of Criminal Apprehension, including information regarding a background study subject's registration in Minnesota as a predatory offender under section 243.166;

(5) except as provided in ~~clause~~ clauses (6) and (7), information from the national crime information system when the commissioner has reasonable cause as defined under section 245C.05, subdivision 5; ~~and~~

(6) for a background study related to a child foster care application for licensure or adoptions, the commissioner shall also review:

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

(ii) information from national crime information databases, when the background study subject is 18 years of age or older; and

(7) for a background study required under section 245C.03, subdivision 2, and initiated on or after implementation of NETStudy 2.0, information from national crime information databases.

(b) Notwithstanding expungement by a court, the commissioner may consider information obtained under paragraph (a), clauses (3) and (4), unless the commissioner received notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner.

(c) The commissioner shall also review criminal case information received according to section 245C.04, subdivision 4a, from the Minnesota court information system that relates to individuals who have already been studied under this chapter and who remain affiliated with the agency that initiated the background study.

Sec. 17. Minnesota Statutes 2012, section 245C.13, subdivision 1, is amended to read:

Subdivision 1. **Timing.** Upon receipt of the background study forms from an applicant, license holder, or other entity as provided in this chapter required to initiate a background study under section 245C.04, the commissioner shall complete the background study and provide the notice required under section 245C.17, subdivision 1, ~~within 15 working days.~~

Sec. 18. Minnesota Statutes 2012, section 245C.17, subdivision 1, is amended to read:

Subdivision 1. **Time frame for notice of study results and auditing system access.** ~~(a) Within 15 working days after the commissioner's receipt of the background study form, the commissioner shall notify the individual who is the subject of the study in writing or by electronic transmission of the results of the study or that more time is needed to complete the study.~~

~~(b) (a) Within 15 three working days after the commissioner's receipt of the a request for a background study form submitted on paper through the commissioner's NETStudy or NETStudy 2.0 system, the commissioner shall notify the applicant, background study subject and the license holder, or other entity as provided in this chapter in writing or by electronic transmission of the results of the study or that more time is needed to complete the study. The notice to the individual shall include the identity of the entity that initiated the background study.~~

~~(c) Within three days after the commissioner's receipt of a request for a background study submitted through the commissioner's online system, the commissioner shall provide an electronic notification to the applicant, license holder, or other entity as provided in this chapter. The electronic notification shall disclose the results of the study or that more time is needed to complete the study. (b) Before being provided access to NETStudy 2.0, the license holder or other entity under section 245C.04 shall sign an acknowledgment of responsibilities form developed by the commissioner that includes identifying the sensitive background study information person. All queries to NETStudy 2.0 are electronically recorded and subject to audit by the commissioner. The electronic record shall identify the specific user. A background study subject may request in writing to the commissioner a report listing the entities that initiated a background study on the individual.~~

~~(d) (c) When the commissioner has completed a prior background study on an individual that resulted in an order for immediate removal and more time is necessary to complete a subsequent study, the notice that more time is needed that is issued under paragraphs paragraph (a), (b), and (c) shall include an order for immediate removal of the individual from any position allowing direct contact with or access to people receiving services pending completion of the background study.~~

Sec. 19. Minnesota Statutes 2012, section 245C.20, is amended by adding a subdivision to read:

Subd. 3. **Background studies identified on active rosters.** The requirements in subdivisions 1 and 2 are met for entities for which active rosters are implemented and for whom all individuals affiliated with the entity are recorded on the active roster.

Sec. 20. Minnesota Statutes 2012, section 245C.32, is amended by adding a subdivision to read:

Subd. 1a. **NETStudy 2.0 system.** (a) The commissioner shall design, develop, and test the NETStudy 2.0 system and implement it no later than September 1, 2015.

(b) The NETStudy 2.0 system developed and implemented by the commissioner shall incorporate and meet all applicable data security standards and policies required by the Federal Bureau of Investigation (FBI), Minnesota Department of Public Safety, Bureau of Criminal Apprehension, and the MN.IT Services Department. The system shall meet all required standards for encryption of data at the database level as well as encryption of data that travels electronically among agencies initiating background studies, the commissioner's authorized fingerprint collection vendor, the commissioner, the Bureau of Criminal Apprehension, and in cases involving national criminal record checks, the FBI.

(c) The data system developed and implemented by the commissioner shall incorporate a system of data security that allows the commissioner to control access to the data field level by the

commissioner's employees. The commissioner shall establish that employees have access to the minimum amount of private data on any individual as is necessary to perform their duties under this chapter.

(d) The commissioner shall oversee regular quality and compliance audits of the authorized fingerprint collection vendor.

Sec. 21. Minnesota Statutes 2012, section 245C.32, is amended by adding a subdivision to read:

Subd. 1b. **Civil remedies.** When accessing private data on individuals through NETStudy 2.0, entities that are authorized to initiate background studies and the commissioner's authorized fingerprint collection vendors shall be subject to all responsibilities and civil remedies applicable to a responsible authority or government entity as specified under section 13.08."

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

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

H.F. No. 1455 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.
1455	1275				

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 Dibble from the Committee on Transportation and Public Safety, to which was re-referred

S.F. No. 1919: A bill for an act relating to state government; providing for enhancement of accountability and transparency in public construction; establishing a requirement for a definition of responsible contractor; proposing coding for new law in Minnesota Statutes, chapter 16C.

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

Page 3, line 9, delete "fails" and insert "has willfully or repeatedly failed"

Page 3, line 13, before the semicolon, insert ". This does not apply to corrected miscalculations or misclassifications"

Page 3, after line 13, insert:

"(3) the contractor, vendor, or related entity has not, within the three-year period before responding to the solicitation document, failed to meet established disadvantaged business enterprise goals due to lack of good faith effort;"

Page 3, line 14, delete "(3)" and insert "(4)"

Page 3, line 19, delete "fails" and insert "has willfully or repeatedly failed"

Page 3, line 21, delete "(4)" and insert "(5)"

Page 3, line 25, delete "(5)" and insert "(6)"

Page 3, line 27, delete "(6)" and insert "(7)"

Page 3, line 30, delete "(7)" and insert "(8)"

Page 3, line 34, delete "(8)" and insert "(9)"

Page 4, line 2, delete "(7)" and insert "(8)"

Page 4, lines 20 and 36, delete "(8)" and insert "(9)"

And when so amended the bill do pass and be re-referred to the Committee on Jobs, Agriculture and Rural Development. Amendments adopted. Report adopted.

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

S.F. No. 2275: A bill for an act relating to public safety; traffic regulations; authorizing local units of government to establish educational diversion programs for certain traffic offenses; requiring the development of uniform best practices for the programs; classifying data; amending Minnesota Statutes 2012, sections 6.74; 13.6905, by adding a subdivision; 169.022; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Page 2, after line 16, insert:

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

(b) "Local unit of government" means a county, a home rule charter or statutory city, or a town.

(c) "Diversion program" or "program" means the traffic offense educational diversion program created by this section."

Page 2, line 18, delete "an educational" and insert "a"

Page 3, line 7, delete "educational"

Page 3, line 10, delete "an educational" and insert "a"

Page 3, line 21, delete "educational traffic"

Page 3, line 34, delete "traffic education" and delete "courses" and insert "programs"

Page 4, line 4, delete "course" and insert "program" and after the period, insert "The fee must be set in the resolution required in subdivision 2, paragraph (b)."

Page 4, line 10, delete "traffic education"

Page 4, lines 12 and 16, delete "an educational" and insert "a"

Page 4, line 19, delete everything after "from" and insert "referring a person to the program when the person has"

Page 4, line 20, delete everything before "more"

Page 4, line 22, delete "traffic offense educational"

Page 4, line 25, delete "an" and insert "a"

Page 4, line 26, delete "educational"

Page 4, line 31, delete "an educational" and insert "a"

Page 5, line 3, delete "an educational" and insert "a"

Page 5, line 6, delete "Educational"

Page 5, delete lines 8 to 10

Page 5, line 11, delete "traffic offense"

Page 5, line 12, delete "educational"

Page 5, line 18, delete the first "3" and insert "4"

Page 5, delete line 19 and insert "and section 4, subdivisions 2, 3, and 5 to 12, are effective January 15, 2015."

Renumber the subdivisions in sequence and correct the internal references

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

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

S.F. No. 2179: A bill for an act relating to public safety; traffic regulations; authorizing use of traffic safety pretrial diversion programs by local units of government for certain traffic offenses; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Senator Dibble from the Committee on Transportation and Public Safety, to which was referred

S.F. No. 2268: A bill for an act relating to metropolitan transit; expanding scope of jurisdiction of Transportation Accessibility Advisory Committee; amending Minnesota Statutes 2012, sections 473.375, by adding a subdivision; 473.386, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Dibble from the Committee on Transportation and Public Safety, to which was referred

S.F. No. 2251: A bill for an act relating to metropolitan government; providing for additional financing of metropolitan area transit and paratransit capital expenditures; authorizing the issuance of certain obligations; amending Minnesota Statutes 2012, section 473.39, by adding a subdivision.

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

Senator Dibble from the Committee on Transportation and Public Safety, to which was referred

S.F. No. 2270: A bill for an act relating to metropolitan transit; requiring Metropolitan Council to adopt standards for light rail vehicles; requiring Transportation Accessibility Advisory Committee approval of vehicle standards; requiring report; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred

S.F. No. 2124: A bill for an act relating to trades; making federal conformity changes to the apprenticeship program; amending Minnesota Statutes 2012, sections 178.02; 178.03; 178.041, subdivision 2; 178.07; 178.09; 178.10; proposing coding for new law in Minnesota Statutes, chapter 178; repealing Minnesota Statutes 2012, sections 178.03, subdivision 2; 178.05; 178.06; 178.08; Minnesota Rules, parts 5200.0300; 5200.0310; 5200.0320, subparts 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15; 5200.0340; 5200.0360; 5200.0390.

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

Page 9, line 5, delete everything after the period and insert "If an apprenticeship agreement entered into after January 1, 2015, does not specify fringe benefits, the journeyworker wage rate upon which the apprentice wage rate is calculated must be the total rate listed in the wage determination; or"

Page 9, delete lines 6 and 7

Page 9, line 9, delete everything after the comma

Page 9, delete lines 10 to 12

Page 9, line 13, delete everything before the second "the"

Page 9, line 14, before the period, insert "with the approval of the division"

Page 14, line 19, delete everything after "effective" and insert "January 1, 2015."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was re-referred

S.F. No. 2193: A bill for an act relating to environment; classifying certain data; modifying certain reporting requirements; modifying and creating certain permitting efficiencies; modifying duties of Pollution Control Agency; modifying administrative penalty order and field citation provisions; providing civil penalties; requiring rulemaking; appropriating money; amending Minnesota Statutes 2012, sections 13.741, by adding a subdivision; 84.027, subdivision 14a, by adding a subdivision; 115.03, subdivisions 1, 10; 115.551; 116.03, subdivision 2b; 116.07, subdivision 4d; 116.072, subdivision 2; 116.073, subdivisions 1, 2; 116J.035, subdivision 8.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State and Local Government. Report adopted.

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred

S.F. No. 2000: A bill for an act relating to human rights; clarifying unfair employment practices related to nursing mothers; amending Minnesota Statutes 2012, sections 181.939; 363A.08, by adding a subdivision.

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

Page 1, after line 7, insert:

"Subdivision 1. **Employer duties.**"

Page 1, delete lines 20 and 21 and insert:

"(d) An employer may not retaliate against an employee for asserting rights or remedies under this section.

Subd. 2. **Enforcement.** The Department of Labor and Industry shall enforce this section. The department shall assess a fine of up to \$1,000 for a first violation and up to \$2,000 for a second and subsequent violations of this section. A fine shall be assessed only if an employer fails to remedy a violation within 15 days of written notice of a violation from the department."

Page 1, delete section 2

Delete the title and insert:

"A bill for an act relating to employment; imposing duties on employers related to employees who are nursing mothers; providing for enforcement; amending Minnesota Statutes 2012, section 181.939."

And when so amended the bill do pass. Senator Sheran questioned the reference thereon and, under Rule 21, the bill was referred to the Committee on Rules and Administration.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 2367: A bill for an act relating to health; making technical changes; eliminating or modernizing antiquated, unnecessary, and obsolete provisions; amending Minnesota Statutes 2012, sections 62J.50, subdivisions 1, 2; 62J.51; 62J.52, as amended; 62J.53; 62J.535; 62J.536,

subdivision 2; 62J.54, subdivisions 1, 2, 3; 62J.56, subdivisions 1, 2, 3; 62J.581, subdivisions 1, 3, 4; 62J.61, subdivision 1; 122A.40, subdivision 12; 122A.41, subdivision 6; 144.12, subdivision 1; 154.25; 626.557, subdivision 12b; repealing Minnesota Statutes 2012, sections 62J.322; 62J.59; 62U.09; 144.011, subdivision 2; 144.0506; 144.071; 144.072; 144.076; 144.146, subdivision 1; 144.1475; 144.443; 144.444; 144.45; 144.495; 145.132; 145.97; 145.98, subdivisions 1, 3; 325F.181.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 2569: A bill for an act relating to housing; repealing obsolete, redundant, and unnecessary laws and rules under the direction of the Minnesota Housing Finance Agency; making conforming changes; changing a State Register notice requirement; amending Minnesota Statutes 2012, sections 462A.225; 469.0171; repealing Minnesota Statutes 2012, sections 462A.203; 462A.205; 462A.206, subdivisions 1, 2, 3, 4; 462A.2092; 462A.21, subdivisions 15, 21, 24, 25, 28; 462C.04, subdivisions 3, 4; Minnesota Rules, parts 4900.0351; 4900.0352; 4900.0353; 4900.0354; 4900.0355; 4900.0356; 4900.0601; 4900.0602; 4900.0603; 4900.0604; 4900.0605; 4900.1800; 4900.1801; 4900.1802; 4900.1803; 4900.1804; 4900.1805; 4900.1806; 4900.1807; 4900.1808; 4900.1900; 4900.1905; 4900.1910; 4900.1915; 4900.3370; 4900.3371; 4900.3372; 4900.3373; 4900.3374; 4900.3375; 4900.3376; 4900.3377; 4900.3378; 4900.3379; 4900.3380; 4900.3400; 4900.3402; 4900.3403; 4900.3404; 4900.3410; 4900.3411; 4900.3412; 4900.3413; 4900.3414; 4900.3420; 4900.3421; 4900.3422; 4900.3423; 4900.3424.

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

Page 1, line 23, after "488," insert "article 8,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 2397: A bill for an act relating to human services; removing obsolete provisions from statute and rule relating to children and family services, health care, chemical and mental health services, continuing care, and operations; modifying provisions governing the elderly waiver, the alternative care program, and mental health services for children; amending Minnesota Statutes 2012, sections 13.46, subdivision 4; 245.4871, subdivisions 3, 6, 27; 245.4873, subdivision 2; 245.4874, subdivision 1; 245.4881, subdivisions 3, 4; 245.4882, subdivision 1; 245A.40, subdivision 8; 245C.04, subdivision 1; 245C.05, subdivision 5; 246.01; 254B.05, subdivision 2; 256.01, subdivision 14b; 256.963, subdivision 2; 256.969, subdivision 9; 256B.0913, subdivisions 5a, 14; 256B.0915, subdivisions 3c, 3d, 3f, 3g; 256B.0943, subdivisions 8, 10, 12; 256B.69, subdivisions 2, 4b, 5, 5a, 5b, 6b, 6d, 17, 26, 29, 30; 256B.692, subdivisions 2, 5; 256D.02, subdivision 11; 256D.04; 256D.045; 256D.07; 256I.04, subdivision 3; 256I.05, subdivision 1c; 256J.425, subdivision 4; 518A.65; 626.556, subdivision 3c; Minnesota Statutes 2013 Supplement, sections 245A.03, subdivision 7; 245A.40, subdivision 5; 245A.50, subdivision 3; 256B.0943, subdivisions 2, 7; 256B.69, subdivisions 5c, 28; 256B.76, subdivision 4; 256D.02, subdivision 12a; Laws 2013, chapter 108, article 3, section 48; repealing Minnesota Statutes 2012, sections 4.47; 119A.04, subdivision 1; 119B.035; 119B.09, subdivision 2; 119B.23; 119B.231; 119B.232; 245.0311; 245.0312; 245.072; 245.4861; 245.487, subdivisions 4, 5; 245.4871, subdivisions 7,

11, 18, 25; 245.4872; 245.4873, subdivisions 3, 6; 245.4875, subdivisions 3, 6, 7; 245.4883, subdivision 1; 245.490; 245.492, subdivisions 6, 8, 13, 19; 245.4932, subdivisions 2, 3, 4; 245.4933; 245.494; 245.63; 245.69, subdivision 1; 245.714; 245.715; 245.717; 245.718; 245.721; 245.77; 245.827; 245.981; 245A.02, subdivision 7b; 245A.09, subdivision 12; 245A.11, subdivision 5; 245A.655; 246.0135; 246.016; 246.023, subdivision 1; 246.16; 246.28; 246.325; 246.70; 246.71; 246.711; 246.712; 246.713; 246.714; 246.715; 246.716; 246.717; 246.718; 246.719; 246.72; 246.721; 246.722; 253B.22; 254.01; 254.03; 254.04; 254.06; 254.07; 254.09; 254.10; 254.11; 254A.05, subdivision 1; 254A.07, subdivisions 1, 2; 254A.16, subdivision 1; 254B.01, subdivision 1; 254B.04, subdivision 3; 256.01, subdivisions 3, 14, 14a; 256.959; 256.964; 256.9691; 256.971; 256.975, subdivision 3; 256.9753, subdivision 4; 256.9792; 256B.04, subdivision 16; 256B.043; 256B.0636; 256B.0656; 256B.0657; 256B.075, subdivision 4; 256B.0757, subdivision 7; 256B.0913, subdivision 9; 256B.0916, subdivisions 6, 6a; 256B.0928; 256B.19, subdivision 3; 256B.431, subdivisions 28, 31, 33, 34, 37, 38, 39, 40, 41, 43; 256B.434, subdivision 19; 256B.440; 256B.441, subdivisions 46, 46a; 256B.491; 256B.501, subdivisions 3a, 3b, 3h, 3j, 3k, 3l, 5e; 256B.5016; 256B.503; 256B.53; 256B.69, subdivisions 5e, 6c, 24a; 256B.692, subdivision 10; 256D.02, subdivision 19; 256D.05, subdivision 4; 256D.46; 256I.05, subdivisions 1b, 5; 256I.07; 256J.24, subdivision 10; 256K.35; 259.85, subdivisions 2, 3, 4, 5; 518A.53, subdivision 7; 518A.74; 626.557, subdivision 16; 626.5593; Minnesota Statutes 2013 Supplement, sections 246.0141; 246.0251; 254.05; 254B.13, subdivision 3; 256B.501, subdivision 5b; 256C.29; 259.85, subdivision 1; Minnesota Rules, parts 9549.0020, subparts 2, 12, 13, 20, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 43, 44, 46, 47; 9549.0030; 9549.0035, subparts 4, 5, 6; 9549.0036; 9549.0040; 9549.0041, subparts 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15; 9549.0050; 9549.0051, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14; 9549.0053; 9549.0054; 9549.0055, subpart 4; 9549.0056; 9549.0058; 9549.0059; 9549.0060, subparts 1, 2, 3, 8, 9, 12, 13; 9549.0061; 9549.0070, subparts 1, 4.

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

Page 35, line 22, delete "256B.0636;"

Page 42, delete section 9 and insert:

"Sec. 9. Minnesota Statutes 2012, section 246.325, is amended to read:

246.325 GARDEN OF REMEMBRANCE.

The cemetery located on the grounds of the Cambridge State Hospital shall be known as the Garden of Remembrance. ~~The commissioner of human services shall approve the wording and design for a sign at the cemetery indicating its name. The commissioner may approve a temporary sign before the permanent sign is completed and installed. All costs related to the sign must be paid with nonstate funds."~~

Page 50, line 17, delete "4.47;"

Page 50, line 21, after the second semicolon, insert "245.652;"

Page 50, line 22, after the first semicolon, insert "245.821;" and after the third semicolon, insert "246.012;"

Page 50, line 23, delete "246.325; 246.70;"

Page 50, line 24, delete "253B.22;" and insert "251.045; 252.05; 252.07; 252.09;"

Page 50, line 27, delete "246.0141;"

Page 53, after line 29, insert:

"Sec. 7. Minnesota Statutes 2013 Supplement, section 517.04, is amended to read:

517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.

Civil marriages may be solemnized throughout the state by an individual who has attained the age of 21 years and is a judge of a court of record, a retired judge of a court of record, a court administrator, a retired court administrator with the approval of the chief judge of the judicial district, a former court commissioner who is employed by the court system or is acting pursuant to an order of the chief judge of the commissioner's judicial district, ~~the residential school administrators of the Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind~~, a licensed or ordained minister of any religious denomination, or by any mode recognized in section 517.18. For purposes of this section, a court of record includes the Office of Administrative Hearings under section 14.48.

Sec. 8. Minnesota Statutes 2012, section 595.06, is amended to read:

595.06 CAPACITY OF WITNESS.

When ~~an infant, or a person apparently of weak intellect~~, is produced as a witness, the court may examine the ~~infant or witness~~ person to ascertain capacity, and whether the person understands the nature and obligations of an oath, and the court may inquire of any person what peculiar ceremonies the person deems most obligatory in taking an oath."

Page 54, line 4, after "sections" insert "256B.31;" and after "5b;" insert "256C.05;"

Page 54, line 10, delete "9549.0058; 9549.0059;"

Renumber the sections in sequence

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2191, 1770, 2310, 2110, 2268, 2124, 2367 and 2569 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1455 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Hayden introduced—

S.F. No. 2637: A bill for an act relating to human services; prohibiting the use of prior authorization for specified dental services; amending Minnesota Statutes 2013 Supplement, section 256B.0625, subdivision 9.

Referred to the Committee on Health, Human Services and Housing.

Senators Hawj and Marty introduced—

S.F. No. 2638: A bill for an act relating to housing; creating the Housing Opportunities Made Equitable (HOME) pilot project; appropriating money.

Referred to the Committee on Health, Human Services and Housing.

Senators Latz and Hayden introduced—

S.F. No. 2639: A bill for an act relating to public safety; prohibiting persons subject to domestic violence restraining orders from possessing weapons; requiring persons convicted of domestic violence offenses to surrender their firearms while they are prohibited from possessing firearms; amending Minnesota Statutes 2012, sections 260C.201, subdivision 3; 518B.01, subdivision 6; 609.2242, subdivision 3; 609.749, subdivision 8; 624.713, subdivision 1.

Referred to the Committee on Judiciary.

Senators Dibble, Dahle and Sparks introduced—

S.F. No. 2640: A bill for an act relating to employment; appropriating money for grants to the Minnesota Centers for Independent Living.

Referred to the Committee on Finance.

Senator Pappas introduced—

S.F. No. 2641: A bill for an act relating to retirement; modifying interest rate and postretirement adjustment rate actuarial assumptions; replacing an implicit postretirement adjustment rate actuarial assumption with an explicit actuarial assumption; amending Minnesota Statutes 2013 Supplement, section 356.215, subdivision 8; repealing Minnesota Statutes 2012, section 356.415, subdivision 3.

Referred to the Committee on State and Local Government.

Senators Pappas and Hall introduced—

S.F. No. 2642: A bill for an act relating to gambling; making clarifying, conforming, and technical changes relating to lawful gambling; modifying games, prizes, and regulatory provisions; amending Minnesota Statutes 2012, sections 349.12, subdivision 18, by adding a subdivision; 349.16, by adding a subdivision; 349.163, subdivision 3, by adding subdivisions; 349.1635, subdivision 4; 349.17, subdivisions 5, 6, 9; 349.1711, subdivisions 1, 2; 349.1721, subdivision 4; 349.173; 349.181, subdivision 3; 349.19, subdivision 11; 349.211, subdivisions 1, 1a, 2, by adding a subdivision; 349.2127, subdivision 7, by adding a subdivision; Minnesota Statutes 2013

Supplement, section 349.19, subdivision 2; repealing Minnesota Statutes 2012, sections 349.169; 349.19, subdivision 9.

Referred to the Committee on State and Local Government.

Senator Hoffman introduced—

S.F. No. 2643: A bill for an act relating to health; changing provisions for adequate care requirement; requiring a report; amending Minnesota Statutes 2012, sections 144A.04, subdivision 7; 256B.434, by adding a subdivision.

Referred to the Committee on Health, Human Services and Housing.

Senator Hoffman introduced—

S.F. No. 2644: A bill for an act relating to human services; establishing an intensive care category for in-home nursing services; increasing payment rates for in-home nursing services; changing terminology and providing a revisor's instruction; amending Minnesota Statutes 2012, section 256B.0654, subdivision 1, by adding a subdivision.

Referred to the Committee on Health, Human Services and Housing.

Senator Hoffman introduced—

S.F. No. 2645: A bill for an act relating to health; requiring annual reports on nursing personnel care levels in medical clinics; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health, Human Services and Housing.

Senators Dahle, Torres Ray, Wiger and Clausen introduced—

S.F. No. 2646: A bill for an act relating to education; clarifying testing requirements related to teacher licensure; amending Minnesota Statutes 2013 Supplement, sections 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.23, subdivision 2.

Referred to the Committee on Education.

Senators Pappas, Torres Ray, Wiger, Hayden and Marty introduced—

S.F. No. 2647: A bill for an act relating to education; providing for programs to promote healthy relationships and sexual development; appropriating money; amending Minnesota Statutes 2012, section 121A.23.

Referred to the Committee on Education.

Senator Carlson introduced—

S.F. No. 2648: A bill for an act relating to public safety; traffic regulations; prohibiting handheld use of wireless communications devices while a vehicle is in motion or part of traffic; establishing

finer and criminal penalties; amending Minnesota Statutes 2012, section 169.475, subdivisions 2, 3, by adding a subdivision.

Referred to the Committee on Transportation and Public Safety.

Senator Fischbach introduced—

S.F. No. 2649: A bill for an act relating to public safety; motor vehicles; authorizing an "Operation Just Cause" special veterans license plate; amending Minnesota Statutes 2012, section 168.123, subdivision 1; Minnesota Statutes 2013 Supplement, section 168.123, subdivision 2.

Referred to the Committee on Transportation and Public Safety.

Senator Fischbach introduced—

S.F. No. 2650: A bill for an act relating to capital investment; appropriating money for water infrastructure in the city of Cold Spring; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Weber, Dahms and Rosen introduced—

S.F. No. 2651: A bill for an act relating to taxation; property; repealing assessor accreditation requirement; repealing Minnesota Statutes 2013 Supplement, section 270C.9901.

Referred to the Committee on Taxes.

Senators Metzen, Housley, Tomassoni, Dzedzic and Saxhaug introduced—

S.F. No. 2652: A bill for an act relating to capital investment; appropriating money for Mighty Ducks grants; providing for indoor air quality improvements and elimination of R-22 in ice facilities; authorizing the sale and issuance of state bonds; amending Minnesota Statutes 2012, section 240A.09.

Referred to the Committee on Finance.

Senators Scalze, Rest, Sieben and Dahle introduced—

S.F. No. 2653: A bill for an act relating to energy; modifying provisions regarding power plant carbon dioxide emissions; amending Minnesota Statutes 2012, section 216H.03, subdivisions 2, 3, 4.

Referred to the Committee on Environment and Energy.

Senators Scalze and Pappas introduced—

S.F. No. 2654: A bill for an act relating to state government; making technical changes affecting the Minnesota Historical Society; amending Minnesota Statutes 2012, sections 3.732, subdivision 1; 43A.24, subdivision 2; 138.081, subdivision 2; 138.662, subdivision 21, by adding subdivisions; 138.94; repealing Minnesota Statutes 2012, section 138.662, subdivisions 4, 34.

Referred to the Committee on State and Local Government.

Senator Koenen introduced—

S.F. No. 2655: A bill for an act relating to human services; providing an operating payment rate adjustment for a group of nursing facilities; appropriating money; amending Minnesota Statutes 2012, section 256B.434, by adding a subdivision.

Referred to the Committee on Finance.

Senator Koenen introduced—

S.F. No. 2656: A bill for an act relating to economic development; appropriating money to the Southwest Initiative Foundation.

Referred to the Committee on Finance.

Senator Koenen introduced—

S.F. No. 2657: A bill for an act relating to transportation; highways; appropriating money for segments on marked Trunk Highway 23.

Referred to the Committee on Finance.

Senator Lourey introduced—

S.F. No. 2658: A bill for an act relating to human services; establishing uniform public assistance program eligibility and verification; amending Minnesota Statutes 2012, sections 254B.04, subdivision 3; 256D.02, subdivisions 8, 12; 256D.05, subdivision 5; 256D.06, subdivision 1; 256D.08, subdivision 1, by adding a subdivision; 256D.10; 256D.405, subdivisions 1, 3; 256D.425, subdivision 2; 256I.03, by adding a subdivision; 256I.04, subdivision 1; 256J.08, subdivisions 47, 57, 83, by adding a subdivision; 256J.10; 256J.21, subdivision 4; 256J.30, subdivision 4; 256J.32, subdivision 1; 256J.33, subdivision 2; 256J.37, as amended; 256J.425, subdivisions 1, 7; 256J.95, subdivisions 8, 9, 10; Minnesota Statutes 2013 Supplement, sections 256J.21, subdivision 3; 256J.30, subdivision 9; proposing coding for new law as Minnesota Statutes, chapter 256P; repealing Minnesota Statutes 2012, sections 256D.06, subdivision 1b; 256D.08, subdivision 2; 256D.405, subdivisions 1a, 2; 256J.08, subdivisions 42, 55a, 82a; 256J.20; 256J.24, subdivision 9; 256J.32, subdivisions 2, 3, 4, 5a, 6, 7, 7a, 8; Minnesota Statutes 2013 Supplement, section 256J.08, subdivision 24.

Referred to the Committee on Health, Human Services and Housing.

Senators Johnson, Pappas, Hawj, Hoffman and Dahle introduced—

S.F. No. 2659: A bill for an act relating to state government; creating a task force on establishing culturally and linguistically accessible resources for Asian-Pacific women and their children seeking independence from exploitative, abusive, and dangerous circumstances; requiring a report.

Referred to the Committee on State and Local Government.

Senators Sheran and Goodwin introduced—

S.F. No. 2660: A bill for an act relating to human services; modifying nonemergency medical transportation services provisions; amending Minnesota Statutes 2012, section 256B.0625, subdivisions 17a, 18a, 18b, 18c, 18d, 18g; Minnesota Statutes 2013 Supplement, section 256B.0625, subdivisions 17, 18e; repealing Minnesota Statutes 2013 Supplement, section 256B.0625, subdivision 18f.

Referred to the Committee on Health, Human Services and Housing.

Senators Tomassoni and Rosen introduced—

S.F. No. 2661: A bill for an act relating to human services; providing an exception to disqualification from working in human services licensed programs; amending Minnesota Statutes 2012, section 245C.14, subdivision 1.

Referred to the Committee on Health, Human Services and Housing.

Senator Pederson, J. introduced—

S.F. No. 2662: A bill for an act relating to transportation; requiring the legislative auditor to examine results of efficiencies adopted by the Department of Transportation and Metropolitan Council; requiring a report; amending Minnesota Statutes 2012, sections 3.972, by adding subdivisions; 174.56, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Transportation and Public Safety.

Senators Bakk and Hoffman introduced—

S.F. No. 2663: 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.

Referred to the Committee on Environment and Energy.

Senator Dahms introduced—

S.F. No. 2664: A bill for an act relating to capital investment; appropriating money for renovation and relocation of the Milford Town Hall; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Dahms, Weber and Koenen introduced—

S.F. No. 2665: A bill for an act relating to capital improvements; appropriating money for flood hazard mitigation in Area II of the Minnesota River Basin; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Eaton, Marty, Hayden and Pappas introduced—

S.F. No. 2666: A bill for an act relating to human services; modifying the effective date of the MFIP housing assistance grant; amending Minnesota Statutes 2013 Supplement, section 256J.35.

Referred to the Committee on Finance.

Senators Eaton, Marty, Hayden and Pappas introduced—

S.F. No. 2667: A bill for an act relating to human services; modifying the effective date of the repeal of the MFIP family cap; amending Laws 2013, chapter 108, article 3, section 48.

Referred to the Committee on Finance.

Senators Dahle, Hoffman, Johnson and Stumpf introduced—

S.F. No. 2668: A bill for an act relating to education; modifying certain charter school provisions; amending Minnesota Statutes 2013 Supplement, section 124D.10, subdivisions 4, 6a, 8, 9, 17a, 17b.

Referred to the Committee on Education.

Senators Schmit, Ingebrigtsen, Scalze, Pratt and Dibble introduced—

S.F. No. 2669: A bill for an act relating to natural resources; appropriating money for wildlife management area and aquatic management area acquisition, development, and improvement; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Wiger, Eken, Dahle and Hawj introduced—

S.F. No. 2670: A bill for an act relating to state government; including nonprofit organizations under definition of vendor and designation of procurements from small businesses; amending Minnesota Statutes 2012, sections 16C.02, subdivision 21; 16C.16, subdivision 5.

Referred to the Committee on State and Local Government.

Senators Westrom, Ingebrigtsen and Gazelka introduced—

S.F. No. 2671: A bill for an act relating to human services; modifying group residential housing agreements; amending Minnesota Statutes 2012, section 256I.04, subdivision 2b.

Referred to the Committee on Health, Human Services and Housing.

Senators Dibble and Pederson, J. introduced—

S.F. No. 2672: A bill for an act relating to public safety; appropriating funds from the fire safety account; authorizing the fire service advisory committee to continue indefinitely; amending Minnesota Statutes 2012, section 299F.012, subdivisions 1, 2.

Referred to the Committee on Judiciary.

Senator Latz introduced—

S.F. No. 2673: A bill for an act relating to debt collection; regulating debt buyers; amending Minnesota Statutes 2012, section 332.31, subdivisions 3, 6.

Referred to the Committee on Commerce.

Senator Sieben introduced—

S.F. No. 2674: A bill for an act relating to education finance; simplifying the registration process for certain recipients of early learning scholarships; clarifying the payment process for certain program providers; amending Minnesota Statutes 2013 Supplement, section 124D.165, subdivision 3.

Referred to the Committee on Finance.

Senators Jensen, Tomassoni and Housley introduced—

S.F. No. 2675: A bill for an act relating to alcohol; removing food service requirements for alcohol service; changing requirements on service of spirits; allowing on-sale use of infused beverages and cocktails; amending Minnesota Statutes 2012, sections 340A.404, subdivision 5; 340A.508, by adding a subdivision.

Referred to the Committee on Commerce.

Senators Dzedzic, Anderson, Hawj, Tomassoni and Sparks introduced—

S.F. No. 2676: A bill for an act relating to employment; appropriating money for extended employment services for persons with severe disabilities.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Bakk moved that the name of Senator Petersen, B. be added as a co-author to S.F. No. 4. The motion prevailed.

Senator Rosen moved that the name of Senator Bonoff be added as a co-author to S.F. No. 1204. The motion prevailed.

Senator Schmit moved that the names of Senators Westrom and Ingebrigtsen be added as co-authors to S.F. No. 2275. The motion prevailed.

Senator Hawj moved that the name of Senator Goodwin be added as a co-author to S.F. No. 2291. The motion prevailed.

Senator Senjem moved that the name of Senator Saxhaug be added as a co-author to S.F. No. 2326. The motion prevailed.

Senator Gazelka moved that the name of Senator Skoe be added as a co-author to S.F. No. 2476. The motion prevailed.

Senator Sieben, for Senator Pappas, moved that S.F. No. 2105 be withdrawn from the Committee on Jobs, Agriculture and Rural Development and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Fischbach moved that S.F. No. 2318 be withdrawn from the Committee on State and Local Government and returned to its author. The motion prevailed.

Senator Koenen moved that S.F. No. 2447 be withdrawn from the Committee on Finance and re-referred to the Committee on Taxes. The motion prevailed.

Senator Sieben introduced –

Senate Resolution No. 172: A Senate resolution congratulating the East Ridge High School boys swimming/diving team on their second-place finish in the 2014 State High School Class AA boys swimming/diving meet.

Referred to the Committee on Rules and Administration.

MEMBERS EXCUSED

Senators Miller and Ortman were excused from the Session of today.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Monday, March 17, 2014. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

