

STATE OF MINNESOTA

EIGHTY-SIXTH SESSION — 2010

 NINETY-SECOND DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 26, 2010

The House of Representatives convened at 12:00 noon and was called to order by Al Juhnke, Speaker pro tempore.

Prayer was offered by Rabbi Marcia Zimmerman, Temple Israel, Minneapolis, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Champion and Kelliher were excused. Swails was excused until 2:40 p.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 445 and H. F. No. 353, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Olin moved that S. F. No. 445 be substituted for H. F. No. 353 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 633 and H. F. No. 984, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Norton moved that the rules be so far suspended that S. F. No. 633 be substituted for H. F. No. 984 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2737 and H. F. No. 2678, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Juhnke moved that the rules be so far suspended that S. F. No. 2737 be substituted for H. F. No. 2678 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2873 and H. F. No. 2925, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kath moved that the rules be so far suspended that S. F. No. 2873 be substituted for H. F. No. 2925 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 605, A bill for an act relating to transportation; modifying management, priorities, research, and planning provisions related to Department of Transportation; requiring reports; amending Minnesota Statutes 2008, sections 161.53; 165.03, by adding a subdivision; 174.02, subdivisions 1a, 2, by adding a subdivision; 174.03, subdivision 1a, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 167.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 2116, A bill for an act relating to motor vehicles; increasing fees on certain transactions; amending Minnesota Statutes 2009 Supplement, section 168.33, subdivision 7.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 2405, A bill for an act relating to the legislature; proposing an amendment to the Minnesota Constitution, article IV, section 4; providing for temporary successors to members of the legislature called into active military service; providing for implementing statutory language; proposing coding for new law in Minnesota Statutes, chapter 3.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 2577, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; adding a provision to allow legislators to call a special session.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 2600, A bill for an act relating to financial institutions; providing for the licensing and regulation of an individual engaged in the business of a mortgage loan origination or the mortgage loan business; providing certain conforming and transitional provisions; appropriating money; amending Minnesota Statutes 2008, sections 58.04, subdivision 1; 58.08, by adding a subdivision; 58.09; 58.10, subdivision 1; 58.11; Minnesota Statutes 2009 Supplement, section 58.06, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 58A; repealing Minnesota Statutes 2009 Supplement, section 58.126.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 2690, A bill for an act relating to state government; requiring reductions in executive agency appropriations include proportionate reductions in expenditures on contracts; providing requirements during periods of projected deficits; eliminating certain executive branch positions; amending Minnesota Statutes 2008, section 16A.152, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 2753, A bill for an act relating to transportation; authorizing issuance and sale of trunk highway bonds; appropriating money.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 2807, A bill for an act relating to transportation; modifying or adding provisions relating to transportation construction impacts on business, rest areas, highways, bridges, deputy registrars, vehicles, impounds, towing, intersection gridlock, bus operation, various traffic regulations, cargo tank vehicle weight exemptions, transportation department goals and mission, a Minnesota Council of Transportation Access, a Commuter Rail Corridor Coordinating Committee, railroad track safety, motor carriers of railroad employees, airport authorities, property acquisition for highways, transit, and town road interest extinguishment nullification; requiring a report; making technical and clarifying changes; amending Minnesota Statutes 2008, sections 161.14, by adding subdivisions; 165.14, subdivisions 4, 5; 168.33, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision 3; 169.041, subdivision 5; 169.15; 169.306; 169.87, by adding a subdivision; 174.01, subdivisions 1, 2; 174.02, subdivision 1a; 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision; 360.061, subdivision 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18, subdivision 1a; Minnesota Statutes 2009 Supplement, sections 160.165; 161.14, subdivision 62; 169.71, subdivision 1; 169.865, subdivision 1; Laws 2008, chapter 287, article 1, section 122; proposing coding for new law in Minnesota Statutes, chapters 160; 174; 221; repealing Minnesota Statutes 2008, section 169.041, subdivisions 3, 4.

Reported the same back with the following amendments:

Page 1, after line 22, insert:

"ARTICLE 1

TRANSPORTATION TAX COMPLIANCE

Section 1. Laws 2009, chapter 36, article 1, section 1, is amended to read:

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	2010	2011	Total
General	\$98,385,000	\$ 95,885,000 <u>95,897,000</u>	\$ 194,270,000 <u>194,282,000</u>
Airports	21,909,000	19,659,000	41,568,000
C.S.A.H.	496,786,000	524,478,000	1,021,264,000
M.S.A.S.	134,003,000	141,400,000	275,403,000
Special Revenue	49,038,000	49,038,000 <u>49,088,000</u>	98,076,000 <u>98,126,000</u>
H.U.T.D.	9,538,000	9,838,000 <u>9,945,000</u>	19,376,000 <u>19,483,000</u>
Trunk Highway	1,264,921,000	1,372,687,000 <u>1,372,496,000</u>	2,637,608,000 <u>2,637,417,000</u>
<u>Transit Assistance</u>	<u>-0-</u>	<u>72,000</u>	<u>72,000</u>
Total	\$2,074,580,000	\$ 2,212,985,000 <u>2,213,035,000</u>	\$ 4,287,565,000 <u>4,287,615,000</u>

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 2. Laws 2009, chapter 36, article 1, section 5, subdivision 1, is amended to read:

Subdivision 1. Total Appropriation		\$152,478,000	\$ 152,578,000 <u>152,628,000</u>
	Appropriations by Fund		
	2010	2011	
General	7,959,000	7,959,000 <u>7,971,000</u>	
Special Revenue	49,038,000	49,038,000 <u>49,088,000</u>	
H.U.T.D.	9,413,000	9,713,000 <u>9,820,000</u>	
Trunk Highway	86,068,000	85,868,000 <u>85,677,000</u>	

<u>Transit Assistance</u>	<u>-0-</u>	<u>72,000</u>
<u>H.U.T.D.</u>	<u>-0-</u>	<u>107,000</u>

This appropriation is to investigate registration tax and motor vehicle sales tax liabilities from individuals and businesses that currently do not pay all taxes owed and illegal or improper activity related to sale, transfer, titling, and registration of motor vehicles. This initiative is expected to result in new revenues for the biennium as follows:

(1) \$114,000 for the highway user tax distribution fund;

(2) \$75,000 for the transit assistance fund; and

(3) \$13,000 for the general fund.

The general fund appropriation for fiscal year 2011 is a onetime appropriation.

Notwithstanding the appropriation under Minnesota Statutes, section 16A.88, subdivision 2, \$65,000 of the amount appropriated in fiscal year 2011 is from the metropolitan area transit account in the transit assistance fund. The base appropriation from the metropolitan area transit account in fiscal years 2012 and 2013 is \$250,000 for each fiscal year.

Notwithstanding the appropriation under Minnesota Statutes, section 16A.88, subdivision 1a, \$7,000 of the amount appropriated in fiscal year 2011 is from the greater Minnesota transit account in the transit assistance fund. The base appropriation from the greater Minnesota transit account in fiscal years 2012 and 2013 is \$27,000 for each fiscal year.

The base appropriation from the highway user tax distribution fund in fiscal years 2012 and 2013 is \$416,000 for each fiscal year.

By February 1, 2015, the commissioner shall submit a report to the house of representatives and senate committees having jurisdiction over transportation finance on the revenues generated by the Vehicle Crimes Unit.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 4. Laws 2009, chapter 36, article 1, section 5, subdivision 4, is amended to read:

Subd. 4. **Driver and Vehicle Services**

(a) Vehicle Services	26,909,000	27,209,000
		<u>27,259,000</u>

Appropriations by Fund

Special Revenue	18,973,000	18,973,000 <u>19,023,000</u>
H.U.T.D.	7,936,000	8,236,000

The special revenue fund appropriation is from the vehicle services operating account.

Of the appropriation for fiscal year 2011 from the special revenue fund, \$50,000 is for assistance to the Vehicle Crimes Unit in investigations as provided under subdivision 3, paragraph (d).

(b) Driver Services	28,712,000	28,712,000
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Appropriations by Fund

Special Revenue	28,711,000	28,711,000
Trunk Highway	1,000	1,000

The special revenue fund appropriation is from the driver services operating account.

EFFECTIVE DATE. This section is effective July 1, 2010.

ARTICLE 2

TRANSPORTATION POLICY"

Page 5, after line 24, insert:

"Sec. 9. Minnesota Statutes 2008, section 168.002, is amended by adding a subdivision to read:

Subd. 31a. **Special plates.** Unless otherwise specified, "special plates" or "special plate" means plates, or a single motorcycle plate, that are designed with wording or graphics that differ from a regular Minnesota passenger automobile plate or motorcycle plate.

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

Sec. 10. Minnesota Statutes 2008, section 168.123, is amended by adding a subdivision to read:

Subd. 2b. **Eligibility; combat wounded plate.** A member of the United States armed forces who is serving actively in the military and who is a recipient of the purple heart medal is also eligible for the license plate under subdivision 2, paragraph (e). The commissioner of public safety shall ensure that information regarding the required proof of eligibility for any applicant under this subdivision who has not yet been issued military discharge papers is distributed to the public officials responsible for administering this section.

EFFECTIVE DATE. This section is effective August 1, 2010.

Sec. 11. Minnesota Statutes 2008, section 168.1293, is amended to read:

168.1293 CERTAIN SPECIAL PLATES; AUTHORIZATION, DISCONTINUANCE.

Subdivision 1. **Definition.** For purposes of this section ~~and section 168.1297, the following terms have the meanings given them:~~

(1) "new special plate" or "proposed special plate" means a special plate authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129, to have wording and graphics that differ from a Minnesota passenger vehicle plate, that is not authorized under this chapter and for which legislation authorizing the plate, including but not limited to a bill or amendment, is introduced or presented to the legislature; and

(2) "proximate special plate" means a special plate (i) authorized under section 168.12, subdivisions 2b and 2e; 168.1235; or 168.129; or (ii) authorized in law on or after August 1, 2010.

Subd. 1a. **Establishment of plate.** The commissioner may only establish a special plate as authorized under this chapter. This requirement does not apply to alternative or additional designs for a special plate.

Subd. 2. **Submissions to commissioner.** (a) A person, legal entity, or other requester, however organized, that plans to seek legislation establishing a new special plate, or is a proponent of a new special plate, shall submit the following information and fee to the commissioner:

(1) The requester shall submit a request for the special plate being sought, describing the ~~proposed~~ special plate in general terms, the purpose of the plate, and the proposed fee or minimum contribution required for the plate.

(2) The requester shall submit the results of a scientific sample survey of Minnesota motor vehicle owners that indicates that at least 10,000 motor vehicle owners intend to purchase the proposed plate with the proposed fee or minimum contribution. The requester's plan to undertake the survey must be reported to the commissioner before the survey is undertaken. The survey must be performed independently of the requester by another person or legal entity, however organized, that conducts similar sample surveys in the normal course of business.

(3) The requester shall submit an application fee of \$20,000, to cover the cost of reviewing the application for a new plate and developing the new special plate if authorized by law. State funds may not be used to pay the application fee. This requirement does not apply if legislation or a bill introduced to the legislature proposing the new special plate contains a mechanism by which all costs incurred by the commissioner for development and implementation of the plate are covered, provided that the application fee subsequently does apply if such a mechanism is not enacted in the law authorizing the new special plate.

(4) The requester shall submit a marketing strategy that contains (i) short-term and long-term marketing plans for the requested plate, and (ii) a financial analysis showing the anticipated revenues and the planned expenditures of any fee or contribution derived from the requested plate.

(b) The requester shall submit the information required under paragraph (a) to the commissioner at least 120 days before the convening of the next regular legislative session at which the requester will submit the proposal.

Subd. 2a. **Information for legislature.** (a) Within 15 days of the introduction of a bill proposing a new special plate, the commissioner shall submit a briefing to the chairs and ranking minority members of the house of representatives and senate committees to which the bill was referred. At a minimum, the briefing must:

(1) summarize the requirements for a special plate under this section; and

(2) identify which of the requirements have been met for the proposed special plate.

(b) If a proposed special plate is a topic of discussion at a legislative committee hearing, the commissioner shall make every reasonable effort to provide testimony. The testimony must include the information required in the briefing under paragraph (a).

(c) Notwithstanding section 3.195, the commissioner may submit the briefing under paragraph (a) by submitting an electronic version rather than a printed version.

Subd. 3. **Design; redesign.** (a) If the proposed ~~new~~ special plate sought by the requester is approved by law, the requester shall submit the proposed design for the plate to the commissioner as soon as practicable, but not later than 120 days after the effective date of the law authorizing issuance of the plate. The commissioner is responsible for selecting the final design for the special plate.

(b) The requester that originally requested a new special plate subsequently approved by law may not submit a new design for the plate within the five years following the date of first issuance of the plate unless the inventory of those plates has been exhausted. The requester may deplete the remaining inventory of the plates by reimbursing the commissioner for the cost of the plates.

Subd. 4. **Refund of fee.** If the special plate requested is not authorized in the legislative session at which authorization was sought, the commissioner shall, if applicable, refund \$17,500 of the application fee to the requester.

Subd. 5. **Discontinuance of plate.** (a) The commissioner shall discontinue the issuance or renewal of any proximate special plate ~~authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129~~, if (1) fewer than 1,000 sets of those plates are currently registered at the end of the first six years during which the plates are available, or (2) fewer than 1,000 sets of those plates are currently registered at the end of any subsequent two-year period following the first six years of availability.

(b) The commissioner shall discontinue the issuance or renewal of any proximate special plate ~~authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129~~, and distribution of any contributions resulting from that plate, if the commissioner determines that (1) the fund or requester receiving the contributions no longer exists, (2) the requester has stopped providing services that are authorized to be funded from the contribution proceeds, (3) the requester has requested discontinuance, or (4) contributions have been used in violation of subdivision 6.

(c) Nothing in this subdivision applies to plates issued under section 168.123, 168.124, 168.125, 168.1251, or 168.1255.

(d) Upon commencing discontinuance of a proximate special plate under this subdivision, the commissioner (1) shall not issue the plate, including as a duplicate; and (2) shall allow retention of any existing plate for the regular period. For purposes of this paragraph, "regular period" may be, as appropriate, the period specified under section 168.12, subdivision 1; the time until issuance of a duplicate plate for that vehicle; or as otherwise provided by law.

Subd. 6. **Use of contributions.** Contributions made as a condition of obtaining a proximate special plate ~~authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129~~, and interest earned on the contributions, may not be spent for commercial or for-profit purposes.

Subd. 7. **Deposit of fee; appropriation.** The commissioner shall deposit the application fee under subdivision 2, paragraph (a), clause (3), in the vehicle services operating account of the special revenue fund under section 299A.705. An amount sufficient to pay the department's cost in implementing and administering this section, including payment of refunds under subdivision 4, is appropriated to the commissioner."

Page 15, line 12, after "council" insert ", following consultation with the legislative committees or divisions with jurisdiction over transportation policy and budget, or with appropriate legislative transportation subcommittees."

Page 16, after line 17, insert:

"Subd. 3. **Coordination with legislative committees.** The council shall coordinate its meeting schedule and activities pursuant to its work plan, to the extent practicable, with legislative committees and divisions with jurisdiction over transportation budget and policy, or with appropriate subcommittees. The chairperson of the council shall act as a liaison with the chairs and ranking minority members of the legislative transportation committees, divisions, and appropriate subcommittees, in carrying out these duties."

Page 16, line 18, delete "comprised" and insert "composed" and delete "17" and insert "13"

Page 16, delete lines 19 to 22

Page 16, line 23, delete "(3)" and insert "(1)"

Page 16, line 24, delete "(4)" and insert "(2)"

Page 16, line 25, delete "(5)" and insert "(3)"

Page 16, line 26, delete "(6)" and insert "(4)"

Page 16, line 27, delete "(7)" and insert "(5)"

Page 16, line 28, delete "(8)" and insert "(6)"

Page 16, line 29, delete "(9)" and insert "(7)"

Page 16, line 30, delete "(10)" and insert "(8)"

Page 16, line 31, delete "(11)" and insert "(9)"

Page 16, line 32, delete "(12)" and insert "(10)"

Page 16, line 33, delete "(13)" and insert "(11)"

Page 16, line 34, delete "(14)" and insert "(12)"

Page 16, line 35, delete "(15)" and insert "(13)" and delete "finance" and insert "management and budget"

Page 25, after line 24, insert:

"Sec. 34. **EFFECTIVE DATE.**

Except as otherwise provided, this article is effective August 1, 2010."

Renumber the subdivisions in sequence

Renumber the sections in sequence and correct the internal references

Delete the title and insert:

"A bill for an act relating to transportation; modifying or adding provisions relating to transportation tax compliance and appropriations, transportation construction impacts on business, rest areas, highways, bridges, special license plates, deputy registrars, vehicles, impounds, towing, intersection gridlock, bus operation, various traffic regulations, cargo tank vehicle weight exemptions, transportation department goals and mission, a Minnesota Council of Transportation Access, a Commuter Rail Corridor Coordinating Committee, railroad track safety, motor carriers of railroad employees, airport authorities, property acquisition for highways, transit, and town road interest extinguishment nullification; requiring a report; making technical and clarifying changes; appropriating money; amending Minnesota Statutes 2008, sections 161.14, by adding subdivisions; 165.14, subdivisions 4, 5; 168.002, by adding a subdivision; 168.123, by adding a subdivision; 168.1293; 168.33, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision 3; 169.041, subdivision 5; 169.15; 169.306; 169.87, by adding a subdivision; 174.01, subdivisions 1, 2; 174.02, subdivision 1a; 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision; 360.061, subdivision 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18, subdivision 1a; Minnesota Statutes 2009 Supplement, sections 160.165; 161.14, subdivision 62; 169.71, subdivision 1; 169.865, subdivision 1; Laws 2008, chapter 287, article 1, section 122; Laws 2009, chapter 36, article 1, sections 1; 5, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes, chapters 160; 174; 221; repealing Minnesota Statutes 2008, section 169.041, subdivisions 3, 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 2990, A bill for an act relating to guardians ad litem; establishing the State Guardian Ad Litem Board; appropriating money; amending Minnesota Statutes 2008, sections 257.69, subdivision 2; 260B.331, subdivision 6; 260C.331, subdivisions 3, 6; 518.165, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 480.

Reported the same back with the following amendments:

Page 5, line 35, strike "general" and insert "special revenue"

With the recommendation that when so amended the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3122, A bill for an act relating to commerce; providing for the licensing and regulation of appraisal management companies; regulating the real estate appraiser advisory board; appropriating money; amending Minnesota Statutes 2008, sections 82B.05, subdivision 5, by adding a subdivision; 82B.06; Minnesota Statutes 2009 Supplement, section 82B.05, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 82C.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3414, A bill for an act relating to utilities; authorizing supplemental funding for Public Utilities Commission; appropriating money; amending Minnesota Statutes 2008, section 216B.62, by adding a subdivision.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

S. F. No. 2996, A bill for an act relating to health; establishing school concession stands as a specific category of food and beverage service establishments; amending Minnesota Statutes 2008, section 157.15, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 157.16, subdivision 3.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 605, 2116, 2600, 2690, 2753, 2807, 2990, 3122 and 3414 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 445, 633, 2737, 2873 and 2996 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Eken, Marquart and Olin introduced:

H. F. No. 3795, A bill for an act relating to public safety; appropriating money to match federal disaster assistance made available through FEMA Public Assistance Program.

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

Lanning, Kelliher, Marquart, Koenen, Lieder, Hoppe, Torkelson, Brod, Eken, Olin, Falk and Kohls introduced:

H. F. No. 3796, A bill for an act relating to public safety; appropriating money to match federal disaster assistance made available through FEMA Public Assistance Program.

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

Mullery introduced:

H. F. No. 3797, A bill for an act relating to public safety; requiring law enforcement agencies to adopt policies for maintaining gang investigative and evidence databases; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Poppe introduced:

H. F. No. 3798, A bill for an act relating to insurance; prohibiting increases in long-term care insurance premiums on existing policies without advance notice to policyholders and approval of the commissioner; amending Minnesota Statutes 2008, sections 60A.08, subdivision 3; 62A.48, subdivision 1; 62S.01, subdivision 13a; 62S.081, subdivision 5; 62S.265, subdivision 2.

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

Garofalo and McFarlane introduced:

H. F. No. 3799, A bill for an act relating to education; modifying teacher and principal licensure provisions; granting commissioner authority in low-achieving schools; requiring a report; authorizing rulemaking; amending Minnesota Statutes 2008, sections 122A.14, by adding subdivisions; 122A.18, subdivisions 1, 2, by adding a subdivision; 122A.23, subdivision 2; 122A.40, subdivisions 2, 5, 9, 10, 11, by adding a subdivision; 122A.41, subdivisions 1, 2, 4, 6, 14; 122A.413, as amended; 122A.414, as amended; 122A.60, as amended; 122A.61, subdivision 1; 123B.09, subdivision 8; 127A.05, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 120B.02; 122A.09, subdivision 4; 122A.40, subdivisions 6, 8; 122A.41, subdivisions 3, 5; 123B.143, subdivision 1; 124D.10, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 2008, section 122A.24.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Winkler, Ruud and Hayden introduced:

H. F. No. 3800, A bill for an act relating to children; requiring the commissioner of human services to conduct an assessment of the placement of children under the guardianship of the commissioner.

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

Dean introduced:

H. F. No. 3801, A bill for an act relating to human services; modifying procedures for financial management of the MinnesotaCare program; amending Minnesota Statutes 2008, section 256L.02, subdivision 3.

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

Carlson; Newton; Faust; Ward; Morgan; Hansen; Loeffler; Murphy, M.; Benson; Mullery and Welti introduced:

H. F. No. 3802, A bill for an act relating to taxation; individual income; allowing a mortgage interest credit in lieu of the mortgage interest deduction for itemizers and nonitemizers; amending Minnesota Statutes 2008, section 290.06, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 290.01, subdivision 19a.

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

Welti introduced:

H. F. No. 3803, A bill for an act relating to property taxation; allowing property used for growing agricultural products used in the production of wine to be eligible for the green acres program; amending Minnesota Statutes 2009 Supplement, sections 273.111, subdivision 3; 273.13, subdivision 23.

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

Marquart introduced:

H. F. No. 3804, A bill for an act relating to taxation; property; levy limits; modifying the adjustment for inflation; amending Minnesota Statutes 2008, section 275.71, subdivision 4.

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

Liebling introduced:

H. F. No. 3805, A bill for an act relating to taxation; making changes in the sales and use tax treatment of drugs and medical devices; amending Minnesota Statutes 2008, section 297A.67, subdivision 7.

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

Obermueller, Marquart and Masin introduced:

H. F. No. 3806, A bill for an act relating to taxation; property; disabled veterans' market value exclusion; allowing spouses of deceased disabled veterans or service members who die while in active military service to qualify for the senior deferral program; amending Minnesota Statutes 2008, sections 273.13, subdivision 34; 290B.03, by adding a subdivision.

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

Marquart and Lenczewski introduced:

H. F. No. 3807, A bill for an act relating to taxation; local sales; extending the limitation on seeking authorization; amending Minnesota Statutes 2008, section 297A.99, subdivision 1.

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

Jackson, Doty and Marquart introduced:

H. F. No. 3808, A bill for an act relating to taxation; property; due dates; amending Minnesota Statutes 2009 Supplement, section 279.01, subdivision 1.

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

Murphy, E., introduced:

H. F. No. 3809, A bill for an act relating to taxes; increasing the surcharge on managed care plans; increasing managed care payment rates; amending Minnesota Statutes 2008, sections 256.9657, subdivision 3; 256B.69, by adding a subdivision.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2231, A bill for an act relating to transportation; allowing road authorities to remove snow from certain roads in uncompleted subdivisions; amending Minnesota Statutes 2008, section 160.21, by adding a subdivision.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 3048, A bill for an act relating to labor and industry; modifying construction codes and licensing provisions; modifying certain notice provisions; amending Minnesota Statutes 2008, sections 178.01; 178.03, subdivisions 3, 4; 178.06; 178.08; 178.11; 326.02, subdivision 5; 326B.04, subdivision 2; 326B.127, subdivision 3;

326B.13, subdivisions 3, 4, 5, 6; 326B.133, subdivision 5; 326B.139; 326B.142; 326B.148, subdivisions 2, 3; 326B.191; 326B.31, subdivision 28; 326B.33, subdivision 17; 326B.42, subdivisions 2, 6; 326B.435, subdivision 2; 326B.47; 326B.84; 326B.89, subdivisions 1, 5, 6, 7, 8, 10, 13, by adding subdivisions; 326B.921, subdivision 3; Minnesota Statutes 2009 Supplement, sections 14.14, subdivision 1a; 326B.145; Laws 2010, chapter 183, section 8; repealing Minnesota Statutes 2008, sections 299G.11; 299G.13, subdivisions 1, 6, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28; 299G.14; 299G.15; 299G.16; 299G.17; 299G.18; 326B.115; 326B.37, subdivision 13; Minnesota Rules, parts 5200.0020; 5200.0050; 5200.0080, subparts 2, 3, 4, 4a, 4b, 6, 7, 8.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 3391, A bill for an act relating to children; modifying certain provisions relating to children in need of protection and services; amending Minnesota Statutes 2008, sections 260C.007, subdivision 6; 260C.163, subdivision 2; Minnesota Statutes 2009 Supplement, section 260C.175, subdivision 1.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 653, A bill for an act relating to elections; changing certain municipal precinct and ward boundary procedures and requirements; amending Minnesota Statutes 2008, sections 204B.135, subdivisions 1, 3; 204B.14, subdivisions 3, 4; 205.84, subdivisions 1, 2.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Kahn moved that the House refuse to concur in the Senate amendments to H. F. No. 653, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 655, A bill for an act relating to elections; requiring an affidavit of candidacy to state the candidate's residence address and telephone number; prohibiting placement of a candidate on the ballot if residency requirements are not met; amending Minnesota Statutes 2008, section 204B.06, subdivision 1.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Kahn moved that the House refuse to concur in the Senate amendments to H. F. No. 655, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 364, A bill for an act relating to waters; modifying drainage system provisions; amending Minnesota Statutes 2008, sections 103B.101, by adding a subdivision; 103E.065; 103E.227; 103E.401, subdivision 3; 103E.505, subdivision 3; 103E.611, subdivision 1; 103E.735, subdivision 1; 103E.805; proposing coding for new law in Minnesota Statutes, chapter 103E.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Sparks, Chaudhary and Frederickson.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Hansen moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 364. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2846, A bill for an act relating to transportation; modifying provisions governing movement of large vehicles on public streets and highways; making technical changes; repealing certain rules related to motor carriers; amending Minnesota Statutes 2008, sections 169.801, subdivision 5; 169.823, as amended; 169.826, as amended; 169.828, subdivision 1; 169.829; 169.851, subdivision 5; 169.86, subdivisions 1a, 5; 169.862, subdivision 1; 169.863, subdivision 1; 169.864, subdivision 4; 169.871, subdivisions 1, 1a, 1b; Minnesota Statutes 2009 Supplement, sections 169.801, subdivision 10; 169.81, subdivision 3; 169.824, subdivisions 1, 2; 169.8261, subdivisions 1, 2; 169.85, subdivision 2; 169.862, subdivision 2; 169.864, subdivision 2; 169.865, subdivision 1; 169.87, subdivision 2; 221.025; 221.031, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 2008, section 169.826, subdivision 6; Minnesota Rules, parts 7800.0100, subparts 4, 6, 7, 8, 11, 12, 13, 14; 7800.0200; 7800.0400; 7800.0800; 7800.0900; 7800.1000; 7800.3200, subpart 2; 7800.3300; 7805.0500; 7805.0900; 7805.1300; 8850.7950; 8850.8000; 8850.8050, subpart 2; 8850.8100; 8850.8250; 8850.8300; 8850.8350; 8850.8800; 8850.8850; 8850.9050, subpart 3; 8855.0410; 8855.0600; 8855.0850; 8920.0100; 8920.0150; 8920.0200; 8920.0300; 8920.0400; 8920.0500; 8920.0600; 8920.0700; 8920.0800; 8920.0900; 8920.1000; 8920.1100; 8920.1200; 8920.1300; 8920.1400; 8920.1500; 8920.1550;

8920.1600; 8920.1700; 8920.1800; 8920.1900; 8920.2000; 8920.2100; 8920.2200; 8920.2300; 8920.2400; 8920.2500; 8920.2600; 8920.2700; 8920.2800; 8920.2900; 8920.3000; 8920.3100; 8920.3200; 8920.3300; 8920.3400; 8920.3500; 8920.3600; 8920.3700; 8920.3800; 8920.3900; 8920.4000; 8920.4100; 8920.4200; 8920.4300; 8920.4400; 8920.4500.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Skoe, Olseen and Gimse.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Hortman moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2846. The motion prevailed.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3164

A bill for an act relating to higher education; regulating the transfer of credits within institutions belonging to the Minnesota State Colleges and Universities system; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 136F.

April 20, 2010

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3164 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 3164 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **[136F.302] CREDIT TRANSFER.**

The Board of Trustees must develop and maintain a systemwide effective and efficient mechanism for seamless student transfer between system institutions that has a goal of minimal loss of credits for transferring students. The Degree Audit and Reporting System (DARS) and u.select database (and successor databases) housed within the office of the chancellor shall be the official repository of course equivalencies between system colleges and universities. Each system college and university shall be responsible for ensuring the accuracy and completeness of course equivalencies listed for courses offered by that college or university. The development and maintenance of the system must, at a minimum, address the following:

(1) alignment of institution curriculum and its communication to stakeholders;

(2) transfer between similar programs;

(3) documentation for transfer-related agreements between institutions;

(4) systemwide transfer information on the Internet that is easily accessible and maintained in a current and accurate status. Each system college and university shall post information necessary to determine the transferability of course credits on their institutional Web sites. The office of the chancellor must develop, in consultation with faculty and students, a template to be used by the colleges and universities to ensure consistency in the information available to students. The links to each institution's informational Web site shall be submitted to the office of the chancellor for publication on the MinnesotaTransfer.org Web site;

(5) training for campus-level staff to provide accurate and consistent advice to students;

(6) institutional rather than student obligation to provide prompt required documentation for course equivalency determinations; and

(7) consistency of transfer policies among institutions in compliance with a system policy.

Sec. 2. **REPORT OF CREDIT TRANSFER ACTIVITIES.**

The Board of Trustees of the Minnesota State Colleges and Universities shall report on February 15, 2011, and annually thereafter through 2015, on its activities to achieve the credit transfer goals of Minnesota Statutes, section 136F.302, and the results of those activities. The report shall be made to the chairs and ranking minority members of the legislative committees with primary jurisdiction over higher education policy and finance. The goals of Minnesota Statutes, section 136F.302, should be fully achieved as soon as possible, but no later than the start of the 2015-2016 academic year."

We request the adoption of this report and repassage of the bill.

House Conferees: LARRY HAWS, JEANNE POPPE and CAROL MCFARLANE.

Senate Conferees: TARRYL CLARK, SHARON ERICKSON ROPES and CLAIRE ROBLING.

Haws moved that the report of the Conference Committee on H. F. No. 3164 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 3164, A bill for an act relating to higher education; regulating the transfer of credits within institutions belonging to the Minnesota State Colleges and Universities system; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 136F.

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

The question was taken on the repassage of the bill and the roll was called. There were 110 yeas and 20 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Emmer	Hamilton	Kohls	Scott
Buesgens	Garofalo	Holberg	Magnus	Shimanski
Dean	Gunther	Hoppe	Peppin	Torkelson
Drazkowski	Hackbarth	Kelly	Sanders	Zellers

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

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 3106.

H. F. No. 3106, A bill for an act relating to public safety; amending first-degree driving while impaired crime to include prior felony convictions from other states; modifying implied consent, driving while impaired, and ignition interlock provisions; amending Minnesota Statutes 2008, sections 169A.24, subdivision 1; 169A.52, subdivisions 3, 4; 169A.54, subdivisions 2, 5; 169A.55, by adding a subdivision; 169A.60, subdivision 1; 171.09; 171.30, subdivisions 1, 2a, 4; 171.306, as amended; 609.131, subdivision 2; Minnesota Statutes 2009 Supplement, sections 169A.275, subdivision 7; 169A.54, subdivision 1; repealing Minnesota Statutes 2008, sections 169A.54, subdivision 11; 169A.55, subdivision 1; 171.30, subdivision 2c; 171.305, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 2427.

S. F. No. 2427, A bill for an act relating to property held in trust; clarifying status of certain distributions; changing certain relationship and inheritance provisions; providing for emergency and temporary conservators; amending Minnesota Statutes 2008, sections 501B.64, subdivision 3; 524.1-201; 524.2-114; Minnesota Statutes 2009 Supplement, section 524.5-409; proposing coding for new law in Minnesota Statutes, chapter 524.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bigham	Clark	Dittrich	Falk	Hackbarth
Anderson, B.	Bly	Cornish	Doepke	Faust	Hamilton
Anderson, P.	Brod	Davids	Doty	Fritz	Hansen
Anderson, S.	Brown	Davnie	Downey	Gardner	Hausman
Anzelc	Brynaert	Dean	Drazkowski	Garofalo	Haws
Atkins	Buesgens	Demmer	Eastlund	Gottwalt	Hayden
Beard	Bunn	Dettmer	Eken	Greiling	Hilstrom
Benson	Carlson	Dill	Emmer	Gunther	Hilty

Holberg	Kiffmeyer	Magnus	Newton	Rukavina	Solberg
Hoppe	Knuth	Mahoney	Nornes	Ruud	Sterner
Hornstein	Koenen	Mariani	Norton	Sailer	Thao
Hortman	Kohls	Marquart	Obermueller	Sanders	Thissen
Hosch	Laine	Masin	Olin	Scalze	Tillberry
Howes	Lanning	McFarlane	Otremba	Scott	Torkelson
Huntley	Lenczewski	McNamara	Paymar	Seifert	Urdahl
Jackson	Lesch	Morgan	Pelowski	Sertich	Wagenius
Johnson	Liebling	Morrow	Peppin	Severson	Ward
Juhnke	Lieder	Mullery	Persell	Shimanski	Welti
Kahn	Lillie	Murdock	Peterson	Simon	Westrom
Kalin	Loeffler	Murphy, E.	Poppe	Slawik	Winkler
Kath	Loon	Murphy, M.	Reinert	Slocum	Zellers
Kelly	Mack	Nelson	Rosenthal	Smith	

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 1323.

S. F. No. 1323 was reported to the House.

Gunther moved to amend S. F. No. 1323, the third unofficial engrossment, as follows:

Page 2, after line 4, insert:

"(c) A public health agency or clinic that participates in a needle exchange program must post to its Web site a plan that describes how the agency or clinic supports the safe collection and proper disposal of the sharps."

The motion prevailed and the amendment was adopted.

S. F. No. 1323, A bill for an act relating to environment; modifying Infectious Waste Control Act; amending Minnesota Statutes 2008, section 116.78, subdivision 4.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 95 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeler	Brynaert	Doty	Hamilton	Hortman	Kalin
Anderson, P.	Bunn	Eken	Hansen	Hosch	Kath
Anzelc	Carlson	Falk	Hausman	Howes	Kiffmeyer
Atkins	Clark	Faust	Haws	Huntley	Knuth
Benson	Davids	Fritz	Hayden	Jackson	Koenen
Bigham	Davnie	Gardner	Hilstrom	Johnson	Laine
Bly	Dill	Greiling	Hilty	Juhnke	Lanning
Brown	Dittrich	Gunther	Hornstein	Kahn	Lenczewski

Lesch	Marquart	Murphy, M.	Pelowski	Sailer	Thao
Liebling	Masin	Nelson	Persell	Scalze	Thissen
Lieder	McFarlane	Newton	Peterson	Sertich	Tillberry
Lillie	McNamara	Norton	Poppe	Simon	Wagenius
Loeffler	Morgan	Obermueller	Reinert	Slawik	Ward
Loon	Morrow	Olin	Rosenthal	Slocum	Welti
Mahoney	Mullery	Otremba	Rukavina	Solberg	Winkler
Mariani	Murphy, E.	Paymar	Ruud	Sterner	

Those who voted in the negative were:

Anderson, B.	Dean	Eastlund	Hoppe	Nornes	Shimanski
Anderson, S.	Demmer	Emmer	Kelly	Peppin	Smith
Beard	Dettmer	Garofalo	Kohls	Sanders	Torkelson
Brod	Doepke	Gottwalt	Mack	Scott	Urdahl
Buesgens	Downey	Hackbarth	Magnus	Seifert	Westrom
Cornish	Drazkowski	Holberg	Murdock	Severson	Zellers

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

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 2758.

S. F. No. 2758 was reported to the House.

Bunn moved to amend S. F. No. 2758, the unofficial engrossment, as follows:

Page 1, line 13, after the period, insert "The network must disclose the value of the donations and names of private sector organizations providing funding for the network."

The motion prevailed and the amendment was adopted.

Urdahl, Holberg, Hoppe, Davids, McFarlane, Koenen, Kiffmeyer, Shimanski, Hamilton, Zellers, Mack and Otremba offered an amendment to S. F. No. 2758, the unofficial engrossment, as amended.

POINT OF ORDER

Solberg raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Urdahl et al amendment was not in order. Speaker pro tempore Juhnke ruled the point of order well taken and the Urdahl et al amendment out of order.

S. F. No. 2758, A bill for an act relating to economic development; authorizing the development of a virtual assistance network for Minnesota entrepreneurs.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dean	Draskowski	Hackbarth	Hoppe
Buesgens	Demmer	Emmer	Holberg	Peppin

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

Speaker pro tempore Juhnke called Pelowski to the Chair.

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 2844.

S. F. No. 2844 was reported to the House.

Murdock moved to amend S. F. No. 2844, the first engrossment, as follows:

Page 2, line 10, after the period, insert:

"A school as defined in section 120A.22, subdivision 4, must obtain an operating permit but is not subject to operating permit fees."

A roll call was requested and properly seconded.

The question was taken on the Murdock amendment and the roll was called. There were 57 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Garofalo	Kiffmeyer	Olin	Sterner
Anderson, B.	Demmer	Gottwalt	Kohls	Otremba	Torkelson
Anderson, P.	Dettmer	Gunther	Lanning	Peppin	Urdahl
Anderson, S.	Doepke	Hackbarth	Loon	Rosenthal	Ward
Beard	Doty	Haws	Mack	Sanders	Welti
Brod	Downey	Holberg	Magnus	Scott	Westrom
Buesgens	Drazkowski	Hoppe	McFarlane	Seifert	Zellers
Bunn	Eastlund	Howes	McNamara	Severson	
Cornish	Emmer	Jackson	Murdock	Shimanski	
Davids	Faust	Kath	Nornes	Smith	

Those who voted in the negative were:

Anzelc	Falk	Huntley	Lillie	Norton	Simon
Atkins	Fritz	Johnson	Loeffler	Obermueller	Slawik
Benson	Gardner	Juhnke	Mahoney	Paymar	Slocum
Bigham	Greiling	Kahn	Mariani	Pelowski	Solberg
Bly	Hamilton	Kalin	Marquart	Persell	Thao
Brown	Hansen	Kelly	Masin	Peterson	Thissen
Brynaert	Hausman	Knuth	Morgan	Poppe	Tillberry
Carlson	Hayden	Koenen	Morrow	Reinert	Wagenius
Clark	Hilstrom	Laine	Mullery	Rukavina	Winkler
Davnie	Hilty	Lenczewski	Murphy, E.	Ruud	
Dill	Hornstein	Lesch	Murphy, M.	Sailer	
Dittrich	Hortman	Liebling	Nelson	Scalze	
Eken	Hosch	Lieder	Newton	Sertich	

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

S. F. No. 2844, A bill for an act relating to labor and industry; modifying elevator provisions; amending Minnesota Statutes 2008, section 326B.184, subdivision 2; Minnesota Statutes 2009 Supplement, section 326B.163, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Bigham	Clark	Dittrich	Emmer	Greiling
Anderson, P.	Bly	Cornish	Doepke	Falk	Gunther
Anderson, S.	Brown	Davids	Doty	Faust	Hackbarth
Anzelc	Brynaert	Davnie	Downey	Fritz	Hamilton
Atkins	Buesgens	Demmer	Drazkowski	Gardner	Hansen
Beard	Bunn	Dettmer	Eastlund	Garofalo	Hausman
Benson	Carlson	Dill	Eken	Gottwalt	Haws

Hayden	Kath	Mack	Newton	Ruud	Thao
Hilstrom	Kelly	Magnus	Nornes	Sailer	Thissen
Hilty	Kiffmeyer	Mahoney	Norton	Sanders	Tillberry
Holberg	Knuth	Mariani	Obermueller	Scalze	Torkelson
Hoppe	Koenen	Marquart	Olin	Scott	Urdahl
Hornstein	Kohls	Masin	Otremba	Seifert	Wagenius
Hortman	Laine	McFarlane	Paymar	Sertich	Ward
Hosch	Lanning	McNamara	Pelowski	Severson	Welti
Howes	Lenczewski	Morgan	Peppin	Shimanski	Westrom
Huntley	Lesch	Morrow	Persell	Simon	Winkler
Jackson	Liebling	Mullery	Peterson	Slawik	Zellers
Johnson	Lieder	Murdock	Poppe	Slocum	
Juhnke	Lillie	Murphy, E.	Reinert	Smith	
Kahn	Loeffler	Murphy, M.	Rosenthal	Solberg	
Kalin	Loon	Nelson	Rukavina	Sterner	

Those who voted in the negative were:

Anderson, B. Brod Dean

The bill was passed and its title agreed to.

CALENDAR FOR THE DAY

S. F. No. 2790 was reported to the House.

Lesch moved to amend S. F. No. 2790, the third engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3382, the first engrossment:

"Section 1. Minnesota Statutes 2009 Supplement, section 245C.24, subdivision 2, is amended to read:

Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as otherwise provided in ~~paragraph (b)~~ this subdivision, the commissioner may not set aside the disqualification of any individual disqualified pursuant to this chapter, regardless of how much time has passed, if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision 1.

(b) For an individual in the chemical dependency or corrections field who was disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and whose disqualification was set aside prior to July 1, 2005, the commissioner must consider granting a variance pursuant to section 245C.30 for the license holder for a program dealing primarily with adults. A request for reconsideration evaluated under this paragraph must include a letter of recommendation from the license holder that was subject to the prior set-aside decision addressing the individual's quality of care to children or vulnerable adults and the circumstances of the individual's departure from that service.

(c) When a licensed foster care provider adopts an individual who had received foster care services from the provider for over six months, and the adopted individual is required to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause (2) or (6), the commissioner may grant a variance to the license holder

under section 245C.30 to permit the adopted individual with a permanent disqualification to remain affiliated with the license holder under the conditions of the variance when the variance is recommended by the county of responsibility for each of the remaining individuals in placement in the home and the licensing agency for the home.

(d) The commissioner shall consider granting a set aside under section 245C.22 or a variance under section 245C.30 to an individual who is now 21 years of age or older and who was disqualified for a crime or conduct listed under section 245C.15, subdivision 1, occurring while the individual was under the age of 18. This paragraph does not apply to individuals who were convicted of the disqualifying crime following certification under section 260B.125.

Sec. 2. Minnesota Statutes 2008, section 260B.171, subdivision 4, is amended to read:

Subd. 4. **Public inspection of records.** (a) Legal records arising from proceedings or portions of proceedings that ~~are~~ the court opens to the public under section 260B.163, subdivision 1, are open to public inspection.

(b) Except as otherwise provided by this section, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except:

(1) by order of a court; or

(2) as required by chapter 245C or sections 245A.04, 611A.03, 611A.04, 611A.06, and 629.73.

(c) The victim of any alleged delinquent act may, upon the victim's request, obtain the following information, unless it reasonably appears that the request is prompted by a desire on the part of the requester to engage in unlawful activities:

(1) the name and age of the juvenile;

(2) the act for which the juvenile was petitioned and date of the offense; and

(3) the disposition, including, but not limited to, dismissal of the petition, diversion, probation and conditions of probation, detention, fines, or restitution.

(d) The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84, subdivision 6. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260B.335 or 260B.425 when the proceeding involves an adult defendant. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

(e) When a judge of a juvenile court, or duly authorized agent of the court, determines under a proceeding under this chapter that a child has violated a state or local law, ordinance, or regulation pertaining to the operation of a motor vehicle on streets and highways, except parking violations, the judge or agent shall immediately report the violation to the commissioner of public safety. The report must be made on a form provided by the Department of Public Safety and must contain the information required under section 169.95.

(f) A county attorney may give a law enforcement agency that referred a delinquency matter to the county attorney a summary of the results of that referral, including the details of any juvenile court disposition.

Sec. 3. Minnesota Statutes 2008, section 260B.171, subdivision 5, is amended to read:

Subd. 5. **Peace officer records of children.** (a) Except for records relating to an offense where the court opens the proceedings ~~are to the~~ public under section 260B.163, subdivision 1, Peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 121A.28, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, (5) to the Minnesota crime victims reparations board as required by section 611A.56, subdivision 2, clause (6), for the purpose of processing claims for crime victims reparations, or (6) as otherwise provided in this subdivision. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169A.20. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 6, and 17. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary for law enforcement purposes.

(c) A photograph may be taken of a child taken into custody pursuant to section 260B.175, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes, case supervision by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 6, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not an adult court traffic offense under section 260B.225.

(e) The head of a law enforcement agency or a person specifically given the duty by the head of the law enforcement agency shall notify the superintendent or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:

(1) the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim; or

(2) the agency has probable cause to believe that the juvenile has committed an offense described in subdivision 3, paragraph (a), clauses (1) to (3), that would be a crime if committed by an adult, regardless of whether the victim is a student or staff member of the school.

A law enforcement agency is not required to notify the school under this paragraph if the agency determines that notice would jeopardize an ongoing investigation. For purposes of this paragraph, "school" means a public or private elementary, middle, secondary, or charter school.

(f) In any county in which the county attorney operates or authorizes the operation of a juvenile prepetition or pretrial diversion program, a law enforcement agency or county attorney's office may provide the juvenile diversion program with data concerning a juvenile who is a participant in or is being considered for participation in the program.

(g) Upon request of a local social services agency, peace officer records of children who are or may be delinquent or who may be engaged in criminal acts may be disseminated to the agency to promote the best interests of the subject of the data.

(h) Upon written request, the prosecuting authority shall release investigative data collected by a law enforcement agency to the victim of a criminal act or alleged criminal act or to the victim's legal representative, except as otherwise provided by this paragraph. Data shall not be released if:

- (1) the release to the individual subject of the data would be prohibited under section 13.821; or
- (2) the prosecuting authority reasonably believes:
 - (i) that the release of that data will interfere with the investigation; or
 - (ii) that the request is prompted by a desire on the part of the requester to engage in unlawful activities.

(i) A consent to the release of a peace officer record governed by this subdivision from the individual who is the subject of the record is not effective and a law enforcement agency must not release the record or release information in a manner that reveals the existence of the record.

Sec. 4. Minnesota Statutes 2008, section 609A.02, subdivision 2, is amended to read:

Subd. 2. **Offenses committed by juveniles prosecuted as adults.** A petition for the sealing of a ~~conviction record~~ any type of delinquency or criminal record relating to a juvenile matter may be filed under section 609A.03 by a person who has ~~been committed to the custody of the commissioner of corrections upon conviction of a crime following certification to district court under section 260B.125, if the person successfully completed the terms of the person's disposition or sentence and who is no longer under correctional supervision for the offense, if:~~

(1) is finally discharged by the commissioner; or the person received a disposition under section 260B.198, regardless of whether the person was adjudicated delinquent;

(2) has been placed on probation by the court under section 609.135 and has been discharged from probation after satisfactory fulfillment of it the matter was designated an extended jurisdiction juvenile prosecution under section 260B.130 and the person's adult sentence was never executed;

(3) the matter was designated an extended jurisdiction juvenile prosecution under section 260B.130 and the person's adult sentence was subsequently executed; or

(4) the matter was certified for adult prosecution under section 260B.125.

Sec. 5. Minnesota Statutes 2008, section 609A.03, subdivision 1, is amended to read:

Subdivision 1. **Petition; filing fee.** An individual who is the subject of a criminal record who is seeking the expungement of the record shall file a petition under this section and pay a filing fee in the amount required under section 357.021, subdivision 2, clause (1). The filing fee may be waived in cases of indigency and shall be waived in the cases described in section 609A.02, subdivision 2, clause (1) or (2), and subdivision 3.

Sec. 6. Minnesota Statutes 2008, section 609A.03, subdivision 2, is amended to read:

Subd. 2. **Contents of petition.** (a) A petition for expungement shall be signed under oath by the petitioner and shall state the following:

(1) the petitioner's full name and all other legal names or aliases by which the petitioner has been known at any time;

(2) the petitioner's date of birth;

(3) all of the petitioner's addresses from the date of the offense or alleged offense in connection with which an expungement order is sought, to the date of the petition;

(4) why expungement is sought, if it is for employment or licensure purposes, the statutory or other legal authority under which it is sought, and why it should be granted;

(5) the details of the offense or arrest for which expungement is sought, including the date and jurisdiction of the occurrence, either the names of any victims or that there were no identifiable victims, whether there is a current order for protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victims or whether there has ever been a prior order for protection or restraining order prohibiting the petitioner from contacting the victims, the court file number, and the date of conviction or of dismissal;

(6) in the case of a conviction or adjudication delinquency record, what steps the petitioner has taken since the time of the offense toward personal rehabilitation, including treatment, work, or other personal history that demonstrates rehabilitation;

(7) petitioner's criminal conviction and adjudication delinquency record indicating all convictions and adjudication findings of delinquency for misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable convictions and adjudication findings of delinquency in any other state, federal court, or foreign country, whether the convictions or adjudication findings of delinquency occurred before or after the arrest ~~or~~ conviction, or adjudication finding of delinquency for which expungement is sought;

(8) petitioner's criminal charges record indicating all prior and pending criminal charges against the petitioner in this state or another jurisdiction, including all criminal charges that have been continued for dismissal or stayed for adjudication, or have been the subject of pretrial diversion; and

(9) all prior requests by the petitioner, whether for the present offense or for any other offenses, in this state or any other state or federal court, for pardon, return of arrest records, or expungement or sealing of a criminal record, whether granted or not, and all stays of adjudication or imposition of sentence involving the petitioner.

(b) If there is a current order for protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victims or there has ever been a prior order for protection or restraining order prohibiting the petitioner from contacting the victims, the petitioner shall attach a copy of the order to the petition.

Sec. 7. Minnesota Statutes 2008, section 609A.03, subdivision 4, is amended to read:

Subd. 4. **Hearing.** (a) A hearing on the petition shall be held no sooner than 60 days after service of the petition. A victim of the offense for which expungement is sought has a right to submit an oral or written statement to the court at the time of the hearing describing the harm suffered by the victim as a result of the crime and the victim's recommendation on whether expungement should be granted or denied. The judge shall consider the victim's statement when making a decision.

(b) The court shall exclude the general public from a hearing on a petition to expunge a record relating to a juvenile matter under section 609A.02, subdivision 2, and may admit only persons who the court determines have a direct interest in the case, unless the hearing on the underlying offense for which expungement is sought was open to the public under section 260B.163, subdivision 1, paragraph (c), or other law.

Sec. 8. Minnesota Statutes 2008, section 609A.03, subdivision 5, is amended to read:

Subd. 5. **Nature of remedy; standard; ~~firearms restriction.~~** (a) Except as otherwise provided by paragraph (b) or (c), expungement of a criminal or delinquency record is an extraordinary remedy to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of:

(1) sealing the record; and

(2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.

(b) Except as otherwise provided by this paragraph, If the petitioner is petitioning for the sealing of a criminal or delinquency record under section 609A.02, subdivision 3, the court shall grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.

(c) If the petitioner is petitioning for the sealing of a criminal or delinquency record under section 609A.02, subdivision 2, clause (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.

(d) If the court issues an expungement order it may require that the criminal or delinquency record be sealed, the existence of the record not be revealed, and the record not be opened except as required under subdivision 7. Records must not be destroyed or returned to the subject of the record.

Sec. 9. Minnesota Statutes 2008, section 609A.03, subdivision 5a, is amended to read:

Subd. 5a. **Order concerning crimes of violence.** An order expunging the record of a conviction or adjudication delinquency record for a crime of violence as defined in section 624.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime. Any person whose record of conviction or adjudication delinquency record is expunged under this section and who thereafter receives a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms has been restored under section 609.165, subdivision 1d, is not subject to the restriction in this subdivision.

Sec. 10. Minnesota Statutes 2008, section 609A.03, subdivision 7, is amended to read:

Subd. 7. **Limitations of order.** (a) Upon issuance of an expungement order related to a charge supported by probable cause, the DNA samples and DNA records held by the Bureau of Criminal Apprehension and collected under authority other than section 299C.105, shall not be sealed, returned to the subject of the record, or destroyed.

(b) Notwithstanding the issuance of an expungement order:

(1) an expunged record may be opened for purposes of a criminal investigation, prosecution, or sentencing, upon an ex parte court order;

(2) an expunged record of a conviction or adjudication delinquency proceeding may be opened for purposes of evaluating a prospective employee in a criminal justice agency without a court order; and

(3) an expunged record of a conviction or adjudication delinquency proceeding may be opened for purposes of a background study under section 245C.08 unless the court order for expungement is directed specifically to the commissioner of human services.

Upon request by law enforcement, prosecution, or corrections authorities, an agency or jurisdiction subject to an expungement order shall inform the requester of the existence of a sealed record and of the right to obtain access to it as provided by this paragraph. For purposes of this section, a "criminal justice agency" means courts or a government agency that performs the administration of criminal justice under statutory authority."

Delete the title and insert:

"A bill for an act relating to public safety; modifying provisions governing public hearings and public access to juvenile records; authorizing the expungement of certain juvenile records; authorizing the commissioner of human services to grant set asides or variances for certain individuals disqualified from licensure because of an offense committed as a juvenile; amending Minnesota Statutes 2008, sections 260B.171, subdivisions 4, 5; 609A.02, subdivision 2; 609A.03, subdivisions 1, 2, 4, 5, 5a, 7; Minnesota Statutes 2009 Supplement, section 245C.24, subdivision 2."

The motion prevailed and the amendment was adopted.

Lesch moved to amend S. F. No. 2790, the third engrossment, as amended, as follows:

Page 2, delete section 2

Page 3, delete section 3

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Smith moved to amend S. F. No. 2790, the third engrossment, as amended, as follows:

Pages 7 and 8, delete section 8

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Smith amendment and the roll was called. There were 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Gottwalt	Lanning	Obermueller	Sterner
Anderson, P.	Dill	Gunther	Lenczewski	Olin	Torkelson
Anderson, S.	Dittrich	Hackbarth	Loon	Peppin	Urdahl
Beard	Doepke	Hamilton	Mack	Rosenthal	Ward
Brod	Doty	Holberg	Magnus	Ruud	Welti
Buesgens	Downey	Hoppe	McFarlane	Sanders	Westrom
Bunn	Drazkowski	Jackson	McNamara	Scott	Zellers
Cornish	Eastlund	Kath	Morgan	Seifert	
Davids	Emmer	Kelly	Murdock	Severson	
Dean	Fritz	Kiffmeyer	Nornes	Shimanski	
Demmer	Garofalo	Kohls	Norton	Smith	

Those who voted in the negative were:

Abeler	Falk	Hosch	Lieder	Newton	Simon
Anzelc	Faust	Howes	Lillie	Otremba	Slawik
Atkins	Gardner	Huntley	Loeffler	Paymar	Slocum
Benson	Greiling	Johnson	Mahoney	Pelowski	Solberg
Bigham	Hansen	Juhnke	Mariani	Persell	Thao
Bly	Hausman	Kahn	Marquart	Peterson	Thissen
Brown	Haws	Kalin	Masin	Poppe	Tillberry
Brynaert	Hayden	Knuth	Morrow	Reinert	Wagenius
Carlson	Hilstrom	Koenen	Mullery	Rukavina	Winkler
Clark	Hilty	Laine	Murphy, E.	Sailer	
Davnie	Hornstein	Lesch	Murphy, M.	Scalze	
Eken	Hortman	Liebling	Nelson	Sertich	

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

Abeler and Thissen moved to amend S. F. No. 2790, the third engrossment, as amended, as follows:

Page 1, after line 9, insert:

"ARTICLE 1

DHS LICENSING

Section 1. Minnesota Statutes 2009 Supplement, section 245C.27, subdivision 1, is amended to read:

Subdivision 1. **Fair hearing when disqualification is not ~~set aside~~ rescinded.** (a) If the commissioner does not ~~set aside~~ rescind a disqualification of an individual under section 245C.22 who is disqualified on the basis of a preponderance of evidence that the individual committed an act or acts that meet the definition of any of the crimes listed in section 245C.15; for a determination under section 626.556 or 626.557 of substantiated maltreatment that was serious or recurring under section 245C.15; or for failure to make required reports under section 626.556, subdivision 3; or 626.557, subdivision 3, pursuant to section 245C.15, subdivision 4, paragraph (b), clause (1), the individual may request a fair hearing under section 256.045, unless the disqualification is deemed conclusive under section 245C.29.

(b) The fair hearing is the only administrative appeal of the final agency determination for purposes of appeal by the disqualified individual. The disqualified individual does not have the right to challenge the accuracy and completeness of data under section 13.04.

(c) Except as provided under paragraph (e), if the individual was disqualified based on a conviction of, admission to, or Alford Plea to any crimes listed in section 245C.15, subdivisions 1 to 4, or for a disqualification under section 256.98, subdivision 8, the reconsideration decision under section 245C.22 is the final agency determination for purposes of appeal by the disqualified individual and is not subject to a hearing under section 256.045. If the individual was disqualified based on a judicial determination, that determination is treated the same as a conviction for purposes of appeal.

(d) This subdivision does not apply to a public employee's appeal of a disqualification under section 245C.28, subdivision 3.

(e) Notwithstanding paragraph (c), if the commissioner does not set aside a disqualification of an individual who was disqualified based on both a preponderance of evidence and a conviction or admission, the individual may request a fair hearing under section 256.045, unless the disqualifications are deemed conclusive under section 245C.29. The scope of the hearing conducted under section 256.045 with regard to the disqualification based on a conviction or admission shall be limited solely to whether the individual poses a risk of harm, according to section 256.045, subdivision 3b. In this case, the reconsideration decision under section 245C.22 is not the final agency decision for purposes of appeal by the disqualified individual.

Sec. 2. Minnesota Statutes 2008, section 245C.27, subdivision 2, is amended to read:

Subd. 2. **Consolidated fair hearing.** (a) If an individual who is disqualified on the bases of serious or recurring maltreatment requests a fair hearing on the maltreatment determination under section 626.556, subdivision 10i, or 626.557, subdivision 9d, and requests a fair hearing under this section on the disqualification, which has not been ~~set aside~~ rescinded, the scope of the fair hearing under section 256.045 shall include the maltreatment determination and the disqualification.

(b) A fair hearing is the only administrative appeal of the final agency determination. The disqualified individual does not have the right to challenge the accuracy and completeness of data under section 13.04.

(c) This subdivision does not apply to a public employee's appeal of a disqualification under section 245C.28, subdivision 3.

Sec. 3. Minnesota Statutes 2008, section 245C.28, subdivision 3, is amended to read:

Subd. 3. **Employees of public employer.** (a) If the commissioner does not ~~set aside~~ rescind the disqualification of an individual who is an employee of an employer, as defined in section 179A.03, subdivision 15, the individual may request a contested case hearing under chapter 14, unless the disqualification is deemed conclusive under section 245C.29. The request for a contested case hearing must be made in writing and must be postmarked and sent within 30 calendar days after the employee receives notice that the disqualification has not been ~~set aside~~ rescinded. If the individual was disqualified based on a conviction or admission to any crimes listed in section 245C.15, the scope of the contested case hearing shall be limited solely to whether the individual poses a risk of harm pursuant to section 245C.22.

(b) If the commissioner does not ~~set aside~~ rescind a disqualification that is based on a maltreatment determination, the scope of the contested case hearing must include the maltreatment determination and the disqualification. In such cases, a fair hearing must not be conducted under section 256.045.

(c) If the commissioner does not rescind a disqualification that is based on a preponderance of evidence that the individual committed an act or acts that meet the definition of any of the crimes listed in section 245C.15, the scope of the contested case hearing must include the disqualification decision. In such cases, a fair hearing must not be conducted under section 256.045.

~~(d)~~ (d) Rules adopted under this chapter may not preclude an employee in a contested case hearing for a disqualification from submitting evidence concerning information gathered under this chapter.

~~(e)~~ (e) When an individual has been disqualified from multiple licensed programs and the disqualifications have not been ~~set aside~~ rescinded under section 245C.22, if at least one of the disqualifications entitles the person to a contested case hearing under this subdivision, the scope of the contested case hearing shall include all disqualifications from licensed programs which were not ~~set aside~~ rescinded.

~~(f)~~ (f) In determining whether the disqualification should be set aside, the administrative law judge shall consider all of the characteristics that cause the individual to be disqualified in order to determine whether the individual poses a risk of harm. The administrative law judge's recommendation and the commissioner's order to set aside a disqualification that is the subject of the hearing constitutes a determination that the individual does not pose a risk of harm and that the individual may provide direct contact services in the individual program specified in the set aside.

Sec. 4. Minnesota Statutes 2009 Supplement, section 256.045, subdivision 3, is amended to read:

Subd. 3. **State agency hearings.** (a) State agency hearings are available for the following:

(1) any person applying for, receiving or having received public assistance, medical care, or a program of social services granted by the state agency or a county agency or the federal Food Stamp Act whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid;

(2) any patient or relative aggrieved by an order of the commissioner under section 252.27;

(3) a party aggrieved by a ruling of a prepaid health plan;

(4) except as provided under chapter 245C, any individual or facility determined by a lead agency to have maltreated a vulnerable adult under section 626.557 after they have exercised their right to administrative reconsideration under section 626.557;

(5) any person whose claim for foster care payment according to a placement of the child resulting from a child protection assessment under section 626.556 is denied or not acted upon with reasonable promptness, regardless of funding source;

(6) any person to whom a right of appeal according to this section is given by other provision of law;

(7) an applicant aggrieved by an adverse decision to an application for a hardship waiver under section 256B.15;

(8) an applicant aggrieved by an adverse decision to an application or redetermination for a Medicare Part D prescription drug subsidy under section 256B.04, subdivision 4a;

(9) except as provided under chapter 245A, an individual or facility determined to have maltreated a minor under section 626.556, after the individual or facility has exercised the right to administrative reconsideration under section 626.556;

(10) except as provided under chapter 245C, an individual disqualified under sections 245C.14 and 245C.15, which has not been ~~set aside~~ rescinded under sections 245C.22 and 245C.23, on the basis of serious or recurring maltreatment; a preponderance of the evidence that the individual has committed an act or acts that meet the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under section 626.556, subdivision 3, or 626.557, subdivision 3. Hearings regarding a maltreatment determination under clause (4) or (9) and a disqualification under this clause in which the basis for a disqualification is serious or recurring maltreatment, which has not been ~~set aside~~ rescinded under sections 245C.22 and 245C.23, shall be consolidated into a single fair hearing. In such cases, the scope of review by the human services referee shall include both the maltreatment determination and the disqualification. The failure to exercise the right to an administrative reconsideration shall not be a bar to a hearing under this section if federal law provides an individual the right to a hearing to dispute a finding of maltreatment. Individuals and organizations specified in this section may contest the specified action, decision, or final disposition before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action, decision, or final disposition, or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause why the request was not submitted within the 30-day time limit; or

(11) any person with an outstanding debt resulting from receipt of public assistance, medical care, or the federal Food Stamp Act who is contesting a setoff claim by the Department of Human Services or a county agency. The scope of the appeal is the validity of the claimant agency's intention to request a setoff of a refund under chapter 270A against the debt.

(b) The hearing for an individual or facility under paragraph (a), clause (4), (9), or (10), is the only administrative appeal to the final agency determination specifically, including a challenge to the accuracy and completeness of data under section 13.04. Hearings requested under paragraph (a), clause (4), apply only to incidents of maltreatment that occur on or after October 1, 1995. Hearings requested by nursing assistants in nursing homes alleged to have maltreated a resident prior to October 1, 1995, shall be held as a contested case proceeding under the provisions of chapter 14. Hearings requested under paragraph (a), clause (9), apply only to incidents of maltreatment that occur on or after July 1, 1997. A hearing for an individual or facility under paragraph (a), clause (9), is only available when there is no juvenile court or adult criminal action pending. If such action is filed in either court while an administrative review is pending, the administrative review must be suspended until the judicial actions are completed. If the juvenile court action or criminal charge is dismissed or the criminal action overturned, the matter may be considered in an administrative hearing.

(c) For purposes of this section, bargaining unit grievance procedures are not an administrative appeal.

(d) The scope of hearings involving claims to foster care payments under paragraph (a), clause (5), shall be limited to the issue of whether the county is legally responsible for a child's placement under court order or voluntary placement agreement and, if so, the correct amount of foster care payment to be made on the child's behalf and shall not include review of the propriety of the county's child protection determination or child placement decision.

(e) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services is not a party and may not request a hearing under this section, except if assisting a recipient as provided in subdivision 4.

(f) An applicant or recipient is not entitled to receive social services beyond the services prescribed under chapter 256M or other social services the person is eligible for under state law.

(g) The commissioner may summarily affirm the county or state agency's proposed action without a hearing when the sole issue is an automatic change due to a change in state or federal law.

Sec. 5. Minnesota Statutes 2008, section 626.556, subdivision 10i, is amended to read:

Subd. 10i. **Administrative reconsideration; review panel.** (a) Administrative reconsideration is not applicable in family assessments since no determination concerning maltreatment is made. For investigations, except as provided under paragraph (e), an individual or facility that the commissioner of human services, a local social service agency, or the commissioner of education determines has maltreated a child, an interested person acting on behalf of the child, regardless of the determination, who contests the investigating agency's final determination regarding maltreatment, may request the investigating agency to reconsider its final determination regarding maltreatment. The request for reconsideration must be submitted in writing to the investigating agency within 15 calendar days after receipt of notice of the final determination regarding maltreatment or, if the request is made by an interested person who is not entitled to notice, within 15 days after receipt of the notice by the parent or guardian of the child. If mailed, the request for reconsideration must be postmarked and sent to the investigating agency within 15 calendar days of the individual's or facility's receipt of the final determination. If the request for reconsideration is made by personal service, it must be received by the investigating agency within 15 calendar days after the individual's or facility's receipt of the final determination. Effective January 1, 2002, an individual who was determined to have maltreated a child under this section and who was disqualified on the basis of serious or recurring maltreatment under sections 245C.14 and 245C.15, may request reconsideration of the maltreatment determination and the disqualification. The request for reconsideration of the maltreatment determination and the disqualification must be submitted within 30 calendar days of the individual's receipt of the notice of disqualification under sections 245C.16 and 245C.17. If mailed, the request for reconsideration of the maltreatment determination and the disqualification must be postmarked and sent to the investigating agency within 30 calendar days of the individual's receipt of the maltreatment determination and notice of disqualification. If the request for reconsideration is made by personal service, it must be received by the investigating agency within 30 calendar days after the individual's receipt of the notice of disqualification.

(b) Except as provided under paragraphs (e) and (f), if the investigating agency denies the request or fails to act upon the request within 15 working days after receiving the request for reconsideration, the person or facility entitled to a fair hearing under section 256.045 may submit to the commissioner of human services or the commissioner of education a written request for a hearing under that section. Section 256.045 also governs hearings requested to contest a final determination of the commissioner of education. For reports involving maltreatment of a child in a facility, an interested person acting on behalf of the child may request a review by the Child Maltreatment Review Panel under section 256.022 if the investigating agency denies the request or fails to act upon the request or if the interested person contests a reconsidered determination. The investigating agency shall notify persons who request reconsideration of their rights under this paragraph. The request must be submitted in writing to the review panel and a copy sent to the investigating agency within 30 calendar days of receipt of notice of a denial of a request for reconsideration or of a reconsidered determination. The request must specifically identify the aspects of the agency determination with which the person is dissatisfied.

(c) If, as a result of a reconsideration or review, the investigating agency changes the final determination of maltreatment, that agency shall notify the parties specified in subdivisions 10b, 10d, and 10f.

(d) Except as provided under paragraph (f), if an individual or facility contests the investigating agency's final determination regarding maltreatment by requesting a fair hearing under section 256.045, the commissioner of human services shall assure that the hearing is conducted and a decision is reached within 90 days of receipt of the request for a hearing. The time for action on the decision may be extended for as many days as the hearing is postponed or the record is held open for the benefit of either party.

(e) ~~Effective January 1, 2002,~~ If an individual was disqualified under sections 245C.14 and 245C.15, on the basis of a determination of maltreatment, which was serious or recurring, and the individual has requested reconsideration of the maltreatment determination under paragraph (a) and requested reconsideration of the disqualification under sections 245C.21 to 245C.27, reconsideration of the maltreatment determination and reconsideration of the

disqualification shall be consolidated into a single reconsideration. If reconsideration of the maltreatment determination is denied or the disqualification is not ~~set aside~~ rescinded under sections 245C.21 to 245C.27, the individual may request a fair hearing under section 256.045. If an individual requests a fair hearing on the maltreatment determination and the disqualification, the scope of the fair hearing shall include both the maltreatment determination and the disqualification.

(f) ~~Effective January 1, 2002,~~ If a maltreatment determination or a disqualification based on serious or recurring maltreatment is the basis for a denial of a license under section 245A.05 or a licensing sanction under section 245A.07, the license holder has the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. As provided for under section 245A.08, subdivision 2a, the scope of the contested case hearing shall include the maltreatment determination, disqualification, and licensing sanction or denial of a license. In such cases, a fair hearing regarding the maltreatment determination and disqualification shall not be conducted under section 256.045. Except for family child care and child foster care, reconsideration of a maltreatment determination as provided under this subdivision, and reconsideration of a disqualification as provided under section 245C.22, shall also not be conducted when:

(1) a denial of a license under section 245A.05 or a licensing sanction under section 245A.07, is based on a determination that the license holder is responsible for maltreatment or the disqualification of a license holder based on serious or recurring maltreatment;

(2) the denial of a license or licensing sanction is issued at the same time as the maltreatment determination or disqualification; and

(3) the license holder appeals the maltreatment determination or disqualification, and denial of a license or licensing sanction.

Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment determination or disqualification, but does not appeal the denial of a license or a licensing sanction, reconsideration of the maltreatment determination shall be conducted under sections 626.556, subdivision 10i, and 626.557, subdivision 9d, and reconsideration of the disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as provided under sections 245C.27, 626.556, subdivision 10i, and 626.557, subdivision 9d.

If the disqualified subject is an individual other than the license holder and upon whom a background study must be conducted under chapter 245C, the hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge.

(g) For purposes of this subdivision, "interested person acting on behalf of the child" means a parent or legal guardian; stepparent; grandparent; guardian ad litem; adult stepbrother, stepsister, or sibling; or adult aunt or uncle; unless the person has been determined to be the perpetrator of the maltreatment.

Sec. 6. Minnesota Statutes 2008, section 626.557, subdivision 9d, is amended to read:

Subd. 9d. **Administrative reconsideration; review panel.** (a) Except as provided under paragraph (e), any individual or facility which a lead agency determines has maltreated a vulnerable adult, or the vulnerable adult or an interested person acting on behalf of the vulnerable adult, regardless of the lead agency's determination, who contests the lead agency's final disposition of an allegation of maltreatment, may request the lead agency to reconsider its final disposition. The request for reconsideration must be submitted in writing to the lead agency within 15 calendar days after receipt of notice of final disposition or, if the request is made by an interested person who is not entitled to notice, within 15 days after receipt of the notice by the vulnerable adult or the vulnerable adult's legal guardian. If mailed, the request for reconsideration must be postmarked and sent to the lead agency

within 15 calendar days of the individual's or facility's receipt of the final disposition. If the request for reconsideration is made by personal service, it must be received by the lead agency within 15 calendar days of the individual's or facility's receipt of the final disposition. An individual who was determined to have maltreated a vulnerable adult under this section and who was disqualified on the basis of serious or recurring maltreatment under sections 245C.14 and 245C.15, may request reconsideration of the maltreatment determination and the disqualification. The request for reconsideration of the maltreatment determination and the disqualification must be submitted in writing within 30 calendar days of the individual's receipt of the notice of disqualification under sections 245C.16 and 245C.17. If mailed, the request for reconsideration of the maltreatment determination and the disqualification must be postmarked and sent to the lead agency within 30 calendar days of the individual's receipt of the notice of disqualification. If the request for reconsideration is made by personal service, it must be received by the lead agency within 30 calendar days after the individual's receipt of the notice of disqualification.

(b) Except as provided under paragraphs (e) and (f), if the lead agency denies the request or fails to act upon the request within 15 working days after receiving the request for reconsideration, the person or facility entitled to a fair hearing under section 256.045, may submit to the commissioner of human services a written request for a hearing under that statute. The vulnerable adult, or an interested person acting on behalf of the vulnerable adult, may request a review by the Vulnerable Adult Maltreatment Review Panel under section 256.021 if the lead agency denies the request or fails to act upon the request, or if the vulnerable adult or interested person contests a reconsidered disposition. The lead agency shall notify persons who request reconsideration of their rights under this paragraph. The request must be submitted in writing to the review panel and a copy sent to the lead agency within 30 calendar days of receipt of notice of a denial of a request for reconsideration or of a reconsidered disposition. The request must specifically identify the aspects of the agency determination with which the person is dissatisfied.

(c) If, as a result of a reconsideration or review, the lead agency changes the final disposition, it shall notify the parties specified in subdivision 9c, paragraph (d).

(d) For purposes of this subdivision, "interested person acting on behalf of the vulnerable adult" means a person designated in writing by the vulnerable adult to act on behalf of the vulnerable adult, or a legal guardian or conservator or other legal representative, a proxy or health care agent appointed under chapter 145B or 145C, or an individual who is related to the vulnerable adult, as defined in section 245A.02, subdivision 13.

(e) If an individual was disqualified under sections 245C.14 and 245C.15, on the basis of a determination of maltreatment, which was serious or recurring, and the individual has requested reconsideration of the maltreatment determination under paragraph (a) and reconsideration of the disqualification under sections 245C.21 to 245C.27, reconsideration of the maltreatment determination and requested reconsideration of the disqualification shall be consolidated into a single reconsideration. If reconsideration of the maltreatment determination is denied or if the disqualification is not ~~set aside~~ rescinded under sections 245C.21 to 245C.27, the individual may request a fair hearing under section 256.045. If an individual requests a fair hearing on the maltreatment determination and the disqualification, the scope of the fair hearing shall include both the maltreatment determination and the disqualification.

(f) If a maltreatment determination or a disqualification based on serious or recurring maltreatment is the basis for a denial of a license under section 245A.05 or a licensing sanction under section 245A.07, the license holder has the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. As provided for under section 245A.08, the scope of the contested case hearing must include the maltreatment determination, disqualification, and licensing sanction or denial of a license. In such cases, a fair hearing must not be conducted under section 256.045. Except for family child care and child foster care, reconsideration of a maltreatment determination under this subdivision, and reconsideration of a disqualification under section 245C.22, must not be conducted when:

(1) a denial of a license under section 245A.05, or a licensing sanction under section 245A.07, is based on a determination that the license holder is responsible for maltreatment or the disqualification of a license holder based on serious or recurring maltreatment;

(2) the denial of a license or licensing sanction is issued at the same time as the maltreatment determination or disqualification; and

(3) the license holder appeals the maltreatment determination or disqualification, and denial of a license or licensing sanction.

Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment determination or disqualification, but does not appeal the denial of a license or a licensing sanction, reconsideration of the maltreatment determination shall be conducted under sections 626.556, subdivision 10i, and 626.557, subdivision 9d, and reconsideration of the disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as provided under sections 245C.27, 626.556, subdivision 10i, and 626.557, subdivision 9d.

If the disqualified subject is an individual other than the license holder and upon whom a background study must be conducted under chapter 245C, the hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge.

(g) Until August 1, 2002, an individual or facility that was determined by the commissioner of human services or the commissioner of health to be responsible for neglect under section 626.5572, subdivision 17, after October 1, 1995, and before August 1, 2001, that believes that the finding of neglect does not meet an amended definition of neglect may request a reconsideration of the determination of neglect. The commissioner of human services or the commissioner of health shall mail a notice to the last known address of individuals who are eligible to seek this reconsideration. The request for reconsideration must state how the established findings no longer meet the elements of the definition of neglect. The commissioner shall review the request for reconsideration and make a determination within 15 calendar days. The commissioner's decision on this reconsideration is the final agency action.

(1) For purposes of compliance with the data destruction schedule under subdivision 12b, paragraph (d), when a finding of substantiated maltreatment has been changed as a result of a reconsideration under this paragraph, the date of the original finding of a substantiated maltreatment must be used to calculate the destruction date.

(2) For purposes of any background studies under chapter 245C, when a determination of substantiated maltreatment has been changed as a result of a reconsideration under this paragraph, any prior disqualification of the individual under chapter 245C that was based on this determination of maltreatment shall be rescinded, and for future background studies under chapter 245C the commissioner must not use the previous determination of substantiated maltreatment as a basis for disqualification or as a basis for referring the individual's maltreatment history to a health-related licensing board under section 245C.31.

ARTICLE 2

PUBLIC SAFETY"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2790, A bill for an act relating to public safety; modifying provisions related to certain juvenile records; authorizing the expungement of certain juvenile records; authorizing the commissioner of human services to grant set asides or variances for certain individuals disqualified from licensure because of an offense committed as a juvenile; requiring chemical use screen of juvenile offenders; changing penalties and prohibitions related to using or brandishing replica firearms and BB guns on school property; requiring the revisor of statutes to publish a table in Minnesota Statutes containing cross-references to collateral sanctions imposed on juveniles as a result of an adjudication of delinquency; clarifying detention placement options for extended jurisdiction juveniles pending revocation hearings; modifying certain provisions regarding juvenile delinquency to include stays of adjudication of delinquency; extending the duration of the continuance period allowed in a juvenile delinquency matter; amending Minnesota Statutes 2008, sections 121A.23, subdivision 1; 241.31, subdivision 1; 242.32, subdivision 2; 260B.125, subdivision 4; 260B.130, subdivision 5; 260B.157, subdivision 1; 260B.171, subdivision 5; 260B.176, subdivision 2; 260B.198, subdivision 7; 299C.105, subdivision 1; 299C.61, subdivision 8a; 609.117, subdivision 1; 609.344, subdivision 1; 609.66, subdivision 1d; 609A.02, subdivisions 2, 3; 609A.03, subdivisions 1, 2, 4, 5, 5a, 7; 624.713, subdivision 3; Minnesota Statutes 2009 Supplement, sections 245C.24, subdivision 2; 624.713, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609A.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 69 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Eken	Hosch	Lieder	Nelson	Simon
Anzelc	Falk	Howes	Lillie	Newton	Slawik
Atkins	Gardner	Huntley	Loeffler	Obermueller	Slocum
Beard	Greiling	Johnson	Mahoney	Otremba	Solberg
Benson	Hansen	Juhnke	Mariani	Paymar	Thao
Bigham	Hausman	Kahn	Marquart	Pelowski	Thissen
Brown	Haws	Kalin	Masin	Persell	Tillberry
Brynaert	Hayden	Knuth	Morgan	Poppe	Wagenius
Carlson	Hilstrom	Koenen	Morrow	Reinert	Winkler
Clark	Hilty	Laine	Mullery	Rukavina	
Davnie	Hornstein	Lesch	Murphy, E.	Sailer	
Dill	Hortman	Liebling	Murphy, M.	Sertich	

Those who voted in the negative were:

Anderson, B.	Dettmer	Garofalo	Kiffmeyer	Nornes	Severson
Anderson, P.	Dittrich	Gottwalt	Kohls	Olin	Shimanski
Anderson, S.	Doepke	Gunther	Lanning	Peppin	Smith
Brod	Doty	Hackbarth	Lenczewski	Peterson	Sterner
Buesgens	Downey	Hamilton	Loon	Rosenthal	Torkelson
Bunn	Drazkowski	Holberg	Mack	Ruud	Urdahl
Cornish	Eastlund	Hoppe	Magnus	Sanders	Ward
Davids	Emmer	Jackson	McFarlane	Scalze	Welti
Dean	Faust	Kath	McNamara	Scott	Westrom
Demmer	Fritz	Kelly	Murdock	Seifert	Zellers

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

S. F. No. 2700 was reported to the House.

Murphy, E., moved to amend S. F. No. 2700, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3042, the second engrossment:

"Section 1. Minnesota Statutes 2008, section 62Q.735, is amended by adding a subdivision to read:

Subd. 4. **Contract amendment and renewal provisions.** (a) A health plan company shall not require a provider to provide notice of intention to terminate its contract before communicating with the provider regarding contract renewals. A health plan company shall not communicate with enrollees about the possible termination until final termination notice is received from the provider.

(b) A health plan company shall not preclude a nonnetwork provider from subsequent network participation solely as a result of the provider having terminated its participation in accordance with the terms of its contract.

EFFECTIVE DATE. This section is effective January 1, 2011, and applies to contracts entered into, renewed, or amended on or after that date.

Sec. 2. Minnesota Statutes 2008, section 62Q.735, is amended by adding a subdivision to read:

Subd. 5. **Fee schedules.** (a) A health plan company shall provide, upon request, any additional fees or fee schedules relevant to the particular provider's practice beyond those provided with the renewal documents for the next contract year to all participating providers, excluding claims paid under the pharmacy benefit. Health plan companies may fulfill the requirements of this section by making the full fee schedules available through a secure Web portal for contracted providers.

(b) A dental organization may satisfy paragraph (a) by complying with section 62Q.735, subdivision 1, paragraph (c).

EFFECTIVE DATE. This section is effective January 1, 2011, and applies to contracts entered into, renewed, or amended on or after that date.

Sec. 3. Minnesota Statutes 2008, section 62Q.735, is amended by adding a subdivision to read:

Subd. 6. **Reimbursement tiering methodologies.** Where health plan company reimbursement is related to tiering of providers, the health plan company shall provide to any tiered providers upon request an explanation of the methodology used to calculate tier ranking, including information on cost and quality. This explanation need not allow any provider access to proprietary or trade secret information. When a tiered product is used by a health plan, the health plan company shall provide notification to the provider of the tier in which the provider is included prior to the effective date of the tiered product.

EFFECTIVE DATE. This section is effective January 1, 2011, and applies to contracts entered into, renewed, or amended on or after that date.

Sec. 4. Minnesota Statutes 2008, section 62Q.75, subdivision 3, is amended to read:

Subd. 3. **Claims filing.** Unless otherwise provided by contract, by section 16A.124, subdivision 4a, or by federal law, the health care providers and facilities specified in subdivision 2 must submit their charges to a health plan company or third-party administrator within six months from the date of service or the date the health care

provider knew or was informed of the correct name and address of the responsible health plan company or third-party administrator, whichever is later. A health care provider or facility that does not make an initial submission of charges within the six-month period shall not be reimbursed for the charge and may not collect the charge from the recipient of the service or any other payer. The six-month submission requirement may be extended to 12 months in cases where a health care provider or facility specified in subdivision 2 has determined and can substantiate that it has experienced a significant disruption to normal operations that materially affects the ability to conduct business in a normal manner and to submit claims on a timely basis. Any request by a health care provider or facility specified in subdivision 2 for an exception to a contractually defined claims submission timeline must be reviewed and acted upon by the health plan company within the same time frame as the contractually agreed upon claims filing timeline. This subdivision also applies to all health care providers and facilities that submit charges to workers' compensation payers for treatment of a workers' compensation injury compensable under chapter 176, or to reparation obligors for treatment of an injury compensable under chapter 65B.

EFFECTIVE DATE. This section is effective January 1, 2011, and applies to contracts entered into, renewed, or amended on or after that date.

Sec. 5. Minnesota Statutes 2008, section 62Q.75, is amended by adding a subdivision to read:

Subd. 4. **Claims adjustment timeline.** (a) Once a clean claim, as defined in section 62Q.75, subdivision 1, has been paid, the contract must provide a 12-month deadline on all adjustments to and recoupments of the payment with the exception of payments related to coordination of benefits, subrogation, duplicate claims, retroactive terminations, and cases of fraud and abuse.

(b) Paragraph (a) shall not apply to pharmacy contracts entered into between or on behalf of health plan companies.

EFFECTIVE DATE. This section is effective January 1, 2011, and applies to contracts entered into, renewed, or amended on or after that date."

Delete the title and insert:

"A bill for an act relating to health; regulating participating provider agreements between health plan companies and health care providers; amending Minnesota Statutes 2008, sections 62Q.735, by adding subdivisions; 62Q.75, subdivision 3, by adding a subdivision."

The motion prevailed and the amendment was adopted.

Speaker pro tempore Pelowski called Hortman to the Chair.

LAY ON THE TABLE

Murphy, E., moved that S. F. No. 2700, as amended, be laid on the table. The motion prevailed and S. F. No. 2700, as amended, was laid on the table.

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Gottwalt moved that his name be stricken as an author on H. F. No. 224. The motion prevailed.

Buesgens moved that the name of Emmer be added as an author on H. F. No. 614. The motion prevailed.

Winkler moved that the name of Obermueller be added as an author on H. F. No. 1029. The motion prevailed.

Hackbarth moved that the name of Westrom be added as an author on H. F. No. 1381. The motion prevailed.

Otremba moved that the name of Obermueller be added as an author on H. F. No. 1601. The motion prevailed.

Clark moved that the name of Greiling be added as an author on H. F. No. 1633. The motion prevailed.

Anderson, S., moved that her name be stricken as an author on H. F. No. 2781. The motion prevailed.

Norton moved that the name of Sterner be added as an author on H. F. No. 2849. The motion prevailed.

Ruud moved that the name of Hayden be added as an author on H. F. No. 3046. The motion prevailed.

Masin moved that the name of Obermueller be added as an author on H. F. No. 3216. The motion prevailed.

Marquart moved that the name of Obermueller be added as an author on H. F. No. 3639. The motion prevailed.

Juhnke moved that the name of Davids be added as an author on House Resolution No. 9. The motion prevailed.

Fritz moved that H. F. No. 1847, now on the General Register, be re-referred to the Committee on Finance. The motion prevailed.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place H. F. Nos. 605, 2990 and 3279; and S. F. Nos. 2996 and 2737 on the Fiscal Calendar for Tuesday, April 27, 2010.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 653:

Kahn, Winkler and Holberg.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 655:

Kahn, Slawik and Holberg.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 364:

Hansen, Eken and Gunther.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, April 27, 2010. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and Speaker pro tempore Hortman declared the House stands adjourned until 12:00 noon, Tuesday, April 27, 2010.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives