

STATE OF MINNESOTA

EIGHTY-SIXTH SESSION — 2009

 FIFTY-FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 14, 2009

The House of Representatives convened at 9:30 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

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

A quorum was present.

Bly was excused until 10:05 a.m. Clark and Hayden were excused until 10:10 a.m. Beard, Jackson, Rosenthal, Slawik and Sterner were excused until 10:20 a.m. Mullery was excused until 10:25 a.m. Paymar was excused until 10:35 a.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Hoppe 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. 79 and H. F. No. 17, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sertich moved that the rules be so far suspended that S. F. No. 79 be substituted for H. F. No. 17 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 82 and H. F. No. 8, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Simon moved that the rules be so far suspended that S. F. No. 82 be substituted for H. F. No. 8 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 763 and H. F. No. 545, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Champion moved that the rules be so far suspended that S. F. No. 763 be substituted for H. F. No. 545 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1284 and H. F. No. 1511, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Atkins moved that the rules be so far suspended that S. F. No. 1284 be substituted for H. F. No. 1511 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1369 and H. F. No. 1565, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kelly moved that the rules be so far suspended that S. F. No. 1369 be substituted for H. F. No. 1565 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 11, 2009

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Kelliher:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 1301, relating to public safety; providing for public safety, courts, and corrections, including predatory offenders regarding computer access, electronic solicitation, and training materials on dangers of predatory offenders; sex offenses; crime victims; domestic fatality review teams; courts; driver's license reinstatement diversion pilot program; corrections; study of evidence-based practices for community supervision; emergency response team; controlled substances; employment of persons with criminal records; financial crimes; unsafe recalled toys; peace officer and public safety dispatcher employment; trespass in peace officer cordoned-off areas; peace officer education; and Bureau of Criminal Apprehension Information Services; providing for boards, task forces, and programs; providing for reports; providing for penalties.

H. F. No. 936, relating to human services; specifying criteria for communities for a lifetime; requiring the Minnesota Board on Aging to report on communities for a lifetime.

H. F. No. 819, relating to commerce; prohibiting certain unfair ticket sales.

Sincerely,

TIM PAWLENTY
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2009 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2009</i>	<i>Date Filed 2009</i>
926		57	2:40 p.m. May 11	May 11
431		58	2:41 p.m. May 11	May 11
	1301	59	3:00 p.m. May 11	May 11
	936	60	2:43 p.m. May 11	May 11
	819	61	2:45 p.m. May 11	May 11

Sincerely,

MARK RITCHIE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 12, 2009

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Kelliher:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House File:

H. F. No. 1056, relating to construction; requiring prompt payment to construction subcontractors; regulating progress payments and retainages.

Sincerely,

TIM PAWLENTY
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2009 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2009</i>	<i>Date Filed 2009</i>
1539		62	4:52 p.m. May 12	May 12
1910		63	10:13 p.m. May 12	May 12
1876		64	10:14 p.m. May 12	May 12
1569		65	4:43 p.m. May 12	May 12
	1056	66	4:44 p.m. May 12	May 12
1810		67	10:15 p.m. May 12	May 12
806		68	4:46 p.m. May 12	May 12
1431		69	4:47 p.m. May 12	May 12
675		70	10:16 p.m. May 12	May 12
532		71	4:41 p.m. May 12	May 12
457		72	10:17 p.m. May 12	May 12
1408		73	10:18 p.m. May 12	May 12
1217		74	10:20 p.m. May 12	May 12
1476		75	4:50 p.m. May 12	May 12
1425		76	4:51 p.m. May 12	May 12

Sincerely,

MARK RITCHIE
Secretary of State

SECOND READING OF SENATE BILLS

S. F. Nos. 79, 82, 763, 1284 and 1369 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Laine introduced:

H. F. No. 2387, A bill for an act relating to human services; authorizing Head Start school readiness service agreements; proposing coding for new law in Minnesota Statutes, chapter 119B.

The bill was read for the first time and referred to the Early Childhood Finance and Policy Division.

Loon; Ruud; Loeffler; Dittrich; Brod; Demmer; Davids; Anderson, S.; Doepke and Downey introduced:

H. F. No. 2388, A bill for an act relating to taxes; individual income; waiving the filing requirement for minimal tax owed as a result of late adoption of federal changes; amending Minnesota Statutes 2008, section 289A.08, subdivision 1.

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 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. 534, A bill for an act relating to insurance; authorizing and regulating the issuance of certificates of insurance; amending Minnesota Statutes 2008, section 60K.46, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 60A.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Davids moved that the House refuse to concur in the Senate amendments to H. F. No. 534, 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. 239, A bill for an act relating to real estate; permitting homeowners to recover certain damages incurred due to faulty construction; amending Minnesota Statutes 2008, section 327A.05; proposing coding for new law in Minnesota Statutes, chapter 327A.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Gardner moved that the House concur in the Senate amendments to H. F. No. 239 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 239, A bill for an act relating to real estate; permitting homeowners to recover certain damages incurred due to faulty construction; prohibiting double recovery; amending Minnesota Statutes 2008, section 327A.05; proposing coding for new law in Minnesota Statutes, chapter 327A.

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

The question was taken on the repassage of the bill and the roll was called. There were 70 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anzelc	Eken	Huntley	Lillie	Olin	Slocum
Atkins	Falk	Johnson	Loeffler	Otremba	Solberg
Benson	Faust	Juhnke	Mahoney	Pelowski	Swails
Bigham	Fritz	Kahn	Mariani	Persell	Thao
Brown	Gardner	Kalin	Marquart	Peterson	Thissen
Brynaert	Greiling	Knuth	Masin	Poppe	Tillberry
Bunn	Hansen	Koenen	Morgan	Rukavina	Wagenius
Carlson	Hausman	Laine	Morrow	Ruud	Welti
Champion	Hilstrom	Lenczewski	Murphy, E.	Sailer	Winkler
Davnie	Hilty	Lesch	Murphy, M.	Scalze	Spk. Kelliher
Dill	Hornstein	Liebling	Nelson	Sertich	
Dittrich	Hortman	Lieder	Newton	Simon	

Those who voted in the negative were:

Abeler	Demmer	Gottwalt	Kath	McNamara	Seifert
Anderson, B.	Dettmer	Gunther	Kelly	Murdock	Severson
Anderson, P.	Doepke	Hackbarth	Kiffmeyer	Nornes	Shimanski
Anderson, S.	Doty	Hamilton	Kohls	Norton	Smith
Brod	Downey	Haws	Lanning	Obermueller	Torkelson
Buesgens	Drazkowski	Holberg	Loon	Peppin	Urdahl
Cornish	Eastlund	Hoppe	Mack	Reinert	Ward
Davids	Emmer	Hosch	Magnus	Sanders	Westrom
Dean	Garofalo	Howes	McFarlane	Scott	Zellers

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

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. 412, A bill for an act relating to real estate; adjusting the statute of repose for homeowner warranty claims; amending Minnesota Statutes 2008, section 541.051, subdivision 4.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bunn moved that the House concur in the Senate amendments to H. F. No. 412 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 412, A bill for an act relating to real estate; adjusting the statute of repose for homeowner warranty claims; amending Minnesota Statutes 2008, section 541.051, subdivision 4.

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

The question was taken on the repassage of the bill and the roll was called. There were 79 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anzelc	Falk	Huntley	Loeffler	Olin	Solberg
Atkins	Faust	Johnson	Mahoney	Otremba	Swails
Benson	Fritz	Juhnke	Mariani	Pelowski	Thao
Bigham	Gardner	Kahn	Marquart	Persell	Thissen
Bly	Greiling	Kalin	Masin	Peterson	Tillberry
Brown	Gunther	Kath	McFarlane	Poppe	Wagenius
Brynaert	Hansen	Knuth	Morgan	Rukavina	Welti
Bunn	Hausman	Koenen	Morrow	Ruud	Winkler
Carlson	Haws	Laine	Murphy, E.	Sailer	Spk. Kelliher
Champion	Hilstrom	Lenczewski	Murphy, M.	Scalze	
Davnie	Hilty	Lesch	Nelson	Sertich	
Dill	Hornstein	Liebling	Newton	Simon	
Dittrich	Hortman	Lieder	Norton	Slocum	
Eken	Hosch	Lillie	Obermueller	Smith	

Those who voted in the negative were:

Abeler	Dean	Emmer	Kelly	Murdock	Shimanski
Anderson, B.	Demmer	Garofalo	Kiffmeyer	Nornes	Torkelson
Anderson, P.	Dettmer	Gottwalt	Kohls	Peppin	Urdahl
Anderson, S.	Doepke	Hackbarth	Lanning	Reinert	Ward
Brod	Doty	Hamilton	Loon	Sanders	Westrom
Buesgens	Downey	Holberg	Mack	Scott	Zellers
Cornish	Drazkowski	Hoppe	Magnus	Seifert	
Davids	Eastlund	Howes	McNamara	Severson	

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

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. 1677, A bill for an act relating to the safe at home program; specifying applicability; eliminating certain persons from eligibility; amending Minnesota Statutes 2008, sections 5B.01; 5B.02.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Simon moved that the House concur in the Senate amendments to H. F. No. 1677 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1677, A bill for an act relating to safe at home program; excluding registered sex offenders from the program; limiting use of protected addresses by landlords and local government entities; amending Minnesota Statutes 2008, sections 5B.02; 5B.07, subdivision 1; 13.805, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 5B.

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Thursday, May 14, 2009:

S. F. No. 1436; H. F. Nos. 702, 1341, 1328, 1728, 384, 354, 1744 and 927; S. F. No. 1012; and H. F. No. 723.

CALENDAR FOR THE DAY

S. F. No. 1331, as amended by the House on Wednesday, May 13, 2009, was reported to the House.

Brod moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 9, line 7, after "citizen" insert "living in the precinct"

A roll call was requested and properly seconded.

The question was taken on the Brod amendment and the roll was called. There were 50 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Gottwalt	Kohls	Peppin	Thao
Anderson, B.	Demmer	Gunther	Lanning	Rukavina	Torkelson
Anderson, P.	Dettmer	Hackbarth	Loon	Sanders	Urdahl
Anderson, S.	Doepke	Hamilton	Mack	Scott	Westrom
Beard	Downey	Holberg	Magnus	Seifert	Zellers
Brod	Drazkowski	Hoppe	McFarlane	Severson	
Buesgens	Eastlund	Howes	McNamara	Shimanski	
Cornish	Emmer	Kelly	Murdock	Smith	
Davids	Garofalo	Kiffmeyer	Nornes	Sterner	

Those who voted in the negative were:

Anzelc	Doty	Hortman	Lieder	Obermueller	Slocum
Atkins	Eken	Hosch	Lillie	Olin	Solberg
Benson	Falk	Huntley	Loeffler	Otremba	Swails
Bigham	Faust	Johnson	Mahoney	Pelowski	Thissen
Bly	Fritz	Juhnke	Mariani	Persell	Tillberry
Brown	Gardner	Kahn	Marquart	Peterson	Wagenius
Brynaert	Greiling	Kalin	Masin	Poppe	Ward
Bunn	Hansen	Kath	Morgan	Reinert	Welti
Carlson	Hausman	Knuth	Morrow	Rosenthal	Winkler
Champion	Haws	Koenen	Murphy, E.	Ruud	Spk. Kelliher
Clark	Hayden	Laine	Murphy, M.	Sailer	
Davnie	Hilstrom	Lenczewski	Nelson	Scalze	
Dill	Hilty	Lesch	Newton	Sertich	
Dittrich	Hornstein	Liebling	Norton	Simon	

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

Emmer moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 17, lines 10 and 11, delete the new language

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 50 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeler	Dauids	Garofalo	Kelly	Murdock	Swails
Anderson, B.	Dean	Gottwalt	Kiffmeyer	Nornes	Torkelson
Anderson, P.	Demmer	Gunther	Kohls	Peppin	Urdahl
Anderson, S.	Dettmer	Hackbarth	Lanning	Sanders	Westrom
Beard	Doepke	Hamilton	Loon	Scott	Zellers
Brod	Downey	Holberg	Mack	Seifert	
Buesgens	Drazkowski	Hoppe	Magnus	Severson	
Bunn	Eastlund	Howes	McFarlane	Shimanski	
Cornish	Emmer	Kath	McNamara	Smith	

Those who voted in the negative were:

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

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

Kiffmeyer moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 61, after line 32, insert:

"Sec. 6. **[201.35] REPORT TO LEGISLATURE; UNDELIVERABLE REGISTRATION NOTICES.**

By January 15 of each odd-numbered year, the secretary of state shall report to the chair and ranking minority members of the house of representatives and senate committees with jurisdiction over election issues on the number of registration notices returned as undeliverable. The report must include the total number of notices returned statewide, organized by county and by precinct, and indicate the reasons provided by the postal service for return of the notices. Each county auditor must cooperate with the secretary of state in providing the data required by this section in a timely manner."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Gottwalt moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 2, delete section 2

Page 3, delete sections 3 to 5

Page 6, lines 3 and 5, delete the new language

Page 6, line 10, delete "and"

Page 6, line 11, delete "203B.30 to 203B.35"

Page 10, lines 11 and 12, delete the new language

Page 10, line 13, delete "section 203B.31"

Page 11, delete section 17

Page 11, line 25, delete "or administer early voting"

Page 13, delete lines 18 to 21

Page 13, line 23, delete everything after "accepted"

Page 13, line 24, delete everything through "chapter"

Page 14, line 3, delete "and early voting"

Page 14, line 4, delete "early voting or"

Page 14, line 8, delete "combined" and delete "who voted in person and voters"

Page 17, delete section 24

Page 18, delete sections 25 to 29

Page 22, lines 6 to 9, delete the new language

Page 22, line 10, delete "(c)"

Page 22, line 15, reinstate the stricken "(c)" and delete "(d)"

Page 28, delete section 44

Page 30, delete section 48

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 Gottwalt amendment and the roll was called. There were 48 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Eastlund	Hoppe	Magnus	Seifert
Anderson, B.	Davids	Emmer	Howes	McFarlane	Severson
Anderson, P.	Dean	Garofalo	Kelly	McNamara	Shimanski
Anderson, S.	Demmer	Gottwalt	Kiffmeyer	Murdock	Smith
Beard	Dettmer	Gunther	Kohls	Nornes	Torkelson
Brod	Doepke	Hackbarth	Lanning	Peppin	Urdahl
Buesgens	Downey	Hamilton	Loon	Sanders	Westrom
Bunn	Drazkowski	Holberg	Mack	Scott	Zellers

Those who voted in the negative were:

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

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

Brod moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 57, delete section 2

Page 60, delete section 4

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 Brod amendment and the roll was called. There were 48 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Buesgens	Dean	Doepke	Eastlund
Anderson, B.	Beard	Cornish	Demmer	Downey	Emmer
Anderson, P.	Brod	Davids	Dettmer	Drazkowski	Faust

Garofalo	Holberg	Kohls	McFarlane	Sanders	Smith
Gottwalt	Hoppe	Lanning	McNamara	Scott	Torkelson
Gunther	Howes	Loon	Murdock	Seifert	Urdahl
Hackbarth	Kelly	Mack	Nornes	Severson	Westrom
Hamilton	Kiffmeyer	Magnus	Peppin	Shimanski	Zellers

Those who voted in the negative were:

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

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

The Speaker called Liebling to the Chair.

Buesgens moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 18, line 29, before the period, insert ", except that a voter may not complete their registration by having another individual vouch for their residence"

Page 59, after line 17, insert:

"This clause does not apply to individuals registering at a polling place during the early voting period provided in section 203B.31."

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 50 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeler	Beard	Cornish	Dettmer	Drazkowski	Gottwalt
Anderson, B.	Brod	Dauids	Dittrich	Eastlund	Gunther
Anderson, P.	Buesgens	Dean	Doepke	Emmer	Hackbarth
Anderson, S.	Bunn	Demmer	Downey	Garofalo	Hamilton

Holberg	Kohls	McFarlane	Sanders	Smith	Zellers
Hoppe	Lanning	McNamara	Scott	Swails	
Howes	Loon	Murdock	Seifert	Torkelson	
Kelly	Mack	Nornes	Severson	Urdahl	
Kiffmeyer	Magnus	Peppin	Shimanski	Westrom	

Those who voted in the negative were:

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

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

Emmer moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 58, line 22, after the first comma, insert "by presenting photo identification from a driver's license or identification card issued by a state or a United States passport."

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 54 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Emmer	Kath	McNamara	Severson
Anderson, B.	Dean	Garofalo	Kelly	Murdock	Shimanski
Anderson, P.	Demmer	Gottwalt	Kiffmeyer	Nornes	Smith
Anderson, S.	Dettmer	Gunther	Kohls	Peppin	Sterner
Beard	Dittrich	Hackbarth	Lanning	Peterson	Swails
Brod	Doepke	Hamilton	Loon	Sanders	Torkelson
Buesgens	Downey	Holberg	Mack	Scalze	Urdahl
Bunn	Drazkowski	Hoppe	Magnus	Scott	Westrom
Cornish	Eastlund	Howes	McFarlane	Seifert	Zellers

Those who voted in the negative were:

Anzelc	Bigham	Brynaert	Clark	Doty	Faust
Atkins	Bly	Carlson	Davnie	Eken	Fritz
Benson	Brown	Champion	Dill	Falk	Gardner

Greiling	Jackson	Lieder	Murphy, M.	Reinert	Thissen
Hansen	Johnson	Lillie	Nelson	Rosenthal	Tillberry
Hausman	Juhnke	Loeffler	Newton	Rukavina	Wagenius
Haws	Kahn	Mahoney	Norton	Ruud	Ward
Hayden	Kalin	Mariani	Obermueller	Sailer	Welti
Hilstrom	Knuth	Marquart	Olin	Sertich	Winkler
Hilty	Koenen	Masin	Otremba	Simon	Spk. Kelliher
Hornstein	Laine	Morgan	Paymar	Slawik	
Hortman	Lenczewski	Morrow	Pelowski	Slocum	
Hosch	Lesch	Mullery	Persell	Solberg	
Huntley	Liebling	Murphy, E.	Poppe	Thao	

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

Buesgens moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 58, line 25, after "a" insert "current, valid"

The motion prevailed and the amendment was adopted.

Kiffmeyer moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 11, line 27, delete everything after the period, and insert "Party balance, in the manner provided in section 204B.19, subdivision 5, is required."

Page 11, delete lines 28 to 31

Page 15, line 7, strike everything after the period, and insert "Party balance, in the manner provided in section 204B.19, subdivision 5, is required."

Page 15, strike lines 8 to 11 and delete the new language

Page 19, line 20, delete everything after the period, and insert "Party balance, in the manner provided in section 204B.19, subdivision 5, is required."

Page 19, lines 21 to 23, delete the new language

Page 20, line 28, delete everything after the period, and insert "Party balance, in the manner provided in section 204B.19, subdivision 5, is required."

Page 20, delete lines 29 and 30

Page 20, line 31, delete everything before "If"

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

Severson was excused between the hours of 11:50 a.m. and 12:45 p.m.

Dean moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 25, line 26, after the period, insert "Upon certification by the state canvassing board all ballots not accepted and counted in the canvass report shall be considered defective and must not be counted in the final vote total in any further proceeding related to the election result."

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

Dean moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 44, after line 6, insert:

"Sec. 28. Minnesota Statutes 2008, section 204C.35, is amended by adding a subdivision to read:

Subd. 4. Ballot handling and security. For recounts conducted under this section, the secretary of state shall adopt rules establishing a uniform statewide standard for ballot security and ballot handling, including proper procedures for manual review of ballots."

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

Drazkowski moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 66, after line 19, insert:

"Sec. 17. Minnesota Statutes 2008, section 204B.27, subdivision 3, is amended to read:

Subd. 3. Instruction posters. At least 25 days before every state election the secretary of state shall prepare and furnish to the county auditor of each county in which paper ballots are used, voter instruction posters printed in large type upon cards or heavy paper. The instruction posters must contain the information needed to enable the voters to cast their paper ballots quickly and correctly and indicate the types of assistance available for elderly and disabled voters. Two instruction posters shall be furnished for each precinct in which paper ballots are used. The instruction posters shall be printed in English."

Page 67, line 23, after the first semicolon, insert "204B.27, subdivision 11;"

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 Drazkowski amendment and the roll was called. There were 47 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Bunn	Dean	Dittrich	Downey
Anderson, B.	Brown	Cornish	Demmer	Doepke	Drazkowski
Anderson, P.	Buesgens	Davids	Dettmer	Doty	Eastlund

Emmer	Holberg	Kohls	Murdock	Scott	Torkelson
Garofalo	Hoppe	Mack	Nornes	Seifert	Urdahl
Gunther	Howes	Magnus	Otremba	Shimanski	Westrom
Hackbarth	Kelly	McFarlane	Peppin	Smith	Zellers
Hamilton	Kiffmeyer	McNamara	Sanders	Swails	

Those who voted in the negative were:

Anzelc	Fritz	Johnson	Loon	Paymar	Solberg
Atkins	Gardner	Juhnke	Mahoney	Pelowski	Sterner
Benson	Gottwalt	Kahn	Mariani	Persell	Thao
Bigham	Greiling	Kalin	Marquart	Peterson	Thissen
Bly	Hansen	Kath	Masin	Poppe	Tillberry
Brod	Hausman	Knuth	Morgan	Reinert	Wagenius
Brynaert	Haws	Koenen	Morrow	Rosenthal	Ward
Carlson	Hayden	Laine	Mullery	Rukavina	Welti
Champion	Hilstrom	Lanning	Murphy, E.	Ruud	Winkler
Clark	Hilty	Lenczewski	Murphy, M.	Sailer	Spk. Kelliher
Davnie	Hornstein	Lesch	Nelson	Scalze	
Dill	Hortman	Liebling	Newton	Sertich	
Eken	Hosch	Lieder	Norton	Simon	
Falk	Huntley	Lillie	Obermueller	Slawik	
Faust	Jackson	Loeffler	Olin	Slocum	

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

Emmer moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 61, delete section 6

Page 62, delete section 7

Page 63, delete sections 8, 9, and 10

Page 64, delete sections 11 and 12

Page 65, delete section 13

Page 66, delete sections 14, 15, and 16

Page 67, delete sections 21 and 22

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 Emmer amendment and the roll was called. There were 46 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Emmer	Howes	McFarlane	Shimanski
Anderson, B.	Dean	Garofalo	Kelly	McNamara	Smith
Anderson, P.	Demmer	Gottwalt	Kiffmeyer	Murdock	Torkelson
Anderson, S.	Dettmer	Gunther	Kohls	Nornes	Urdahl
Beard	Doepke	Hackbarth	Lanning	Peppin	Westrom
Brod	Downey	Hamilton	Loon	Sanders	Zellers
Buesgens	Drazkowski	Holberg	Mack	Scott	
Cornish	Eastlund	Hoppe	Magnus	Seifert	

Those who voted in the negative were:

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

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

Kiffmeyer moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 40, line 7, delete "or an academic institution"

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

Gottwalt moved to amend S. F. No. 1331, the unofficial engrossment, as amended, as follows:

Page 13, line 9, delete everything after the period

Page 13, delete line 10

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

S. F. No. 1331. A bill for an act relating to elections; moving the state primary from September to June and making conforming changes; updating certain ballot and voting system requirements; changing certain election administration provisions; authorizing early voting; expanding requirements and authorizations for postsecondary institutions to report resident student information to the secretary of state for voter registration purposes; changing certain absentee ballot requirements and provisions; requiring a special election for certain vacancies in nomination; changing the special election requirements for vacancies in Congressional offices; requiring an affidavit of candidacy to state the candidate's residence address and telephone number; changing municipal precinct and ward boundary requirements for certain cities; imposing additional requirements on polling place challengers; changing certain caucus and campaign provisions; amending Minnesota Statutes 2008, sections 10A.31, subdivision 6; 10A.321; 10A.322, subdivision 1; 10A.323; 103C.305, subdivisions 1, 3; 135A.17, subdivision 2; 201.016, subdivisions 1a, 2; 201.022, subdivision 1; 201.056; 201.061, subdivisions 1, 3; 201.071, subdivision 1; 201.091, by adding a subdivision; 201.11; 201.12; 201.13; 202A.14, subdivision 3; 203B.001; 203B.01, by adding a subdivision; 203B.02, subdivision 3; 203B.03, subdivision 1; 203B.04, subdivisions 1, 6; 203B.05; 203B.06, subdivisions 3, 5; 203B.07, subdivisions 2, 3; 203B.08, subdivisions 2, 3, by adding a subdivision; 203B.081; 203B.085; 203B.11, subdivision 1; 203B.12; 203B.125; 203B.16, subdivision 2; 203B.17, subdivision 1; 203B.19; 203B.21, subdivision 2; 203B.22; 203B.225, subdivision 1; 203B.227; 203B.23, subdivision 2; 203B.24, subdivision 1; 203B.26; 204B.04, subdivisions 2, 3; 204B.06, by adding a subdivision; 204B.07, subdivision 1; 204B.09, subdivisions 1, 3; 204B.11, subdivision 2; 204B.13, subdivisions 1, 2, by adding subdivisions; 204B.135, subdivisions 1, 3, 4; 204B.14, subdivisions 2, 3, 4, by adding a subdivision; 204B.16, subdivision 1; 204B.18; 204B.21, subdivision 1; 204B.22, subdivisions 1, 2; 204B.24; 204B.27, subdivisions 2, 3; 204B.28, subdivision 2; 204B.33; 204B.35, subdivision 4; 204B.44; 204B.45, subdivision 2; 204B.46; 204C.02; 204C.04, subdivision 1; 204C.06, subdivision 1; 204C.07, subdivisions 3a, 4; 204C.08; 204C.10; 204C.12, subdivision 2; 204C.13, subdivisions 2, 3, 5, 6; 204C.17; 204C.19, subdivision 2; 204C.20, subdivisions 1, 2; 204C.21; 204C.22, subdivisions 3, 4, 6, 7, 10, 13; 204C.24, subdivision 1; 204C.25; 204C.26; 204C.27; 204C.28, subdivision 3; 204C.30, by adding subdivisions; 204C.33, subdivisions 1, 3; 204C.35, subdivisions 1, 2, by adding a subdivision; 204C.36, subdivisions 1, 3, 4; 204C.37; 204D.03, subdivisions 1, 3; 204D.04, subdivision 2; 204D.05, subdivision 3; 204D.07; 204D.08; 204D.09, subdivision 2; 204D.10, subdivisions 1, 3; 204D.11, subdivision 1; 204D.12; 204D.13; 204D.16; 204D.165; 204D.17; 204D.19; 204D.20, subdivision 1; 204D.25, subdivision 1; 205.065, subdivisions 1, 2; 205.07, by adding a subdivision; 205.075, subdivision 1; 205.13, subdivisions 1, 1a, 2; 205.16, subdivisions 2, 3, 4; 205.17, subdivisions 1, 3, 4, 5; 205.185, subdivision 3, by adding a subdivision; 205.84, subdivisions 1, 2; 205A.03, subdivisions 1, 2; 205A.05, subdivisions 1, 2; 205A.06, subdivision 1a; 205A.07, subdivisions 2, 3; 205A.08, subdivisions 1, 3, 4; 205A.10, subdivisions 2, 3, by adding a subdivision; 205A.11, subdivision 3; 206.56, subdivision 3; 206.57, subdivision 6; 206.82, subdivision 2; 206.83; 206.84, subdivision 3; 206.86, subdivision 6; 206.89, subdivisions 2, 3; 206.90, subdivisions 9, 10; 208.03; 208.04; 211B.045; 211B.11, by adding a subdivision; 211B.20, subdivisions 1, 2; 412.02, subdivision 2a; 414.02, subdivision 4; 414.031, subdivision 6; 414.0325, subdivisions 1, 4; 414.033, subdivision 7; 447.32, subdivision 4; Laws 2005, chapter 162, section 34, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 202A; 203B; 204B; 204C; 204D; 205; 205A; repealing Minnesota Statutes 2008, sections 3.22; 201.096; 203B.04, subdivision 5; 203B.10; 203B.11, subdivision 2; 203B.13, subdivisions 1, 2, 3, 4; 203B.25; 204B.12, subdivision 2a; 204B.13, subdivisions 4, 5, 6; 204B.22, subdivision 3; 204B.36; 204B.37; 204B.38; 204B.39; 204B.41; 204B.42; 204C.07, subdivision 3; 204C.13, subdivision 4; 204C.20, subdivision 3; 204C.23; 204D.05, subdivisions 1, 2; 204D.10, subdivision 2; 204D.11, subdivisions 2, 3, 4, 5, 6; 204D.14, subdivisions 1, 3; 204D.15, subdivisions 1, 3; 204D.169; 204D.28; 205.17, subdivision 2; 206.56, subdivision 5; 206.57, subdivision 7; 206.61, subdivisions 1, 3, 4, 5; 206.62; 206.805, subdivision 2; 206.84, subdivisions 1, 6, 7; 206.86, subdivisions 1, 2, 3, 4, 5; 206.90, subdivisions 3, 5, 6, 7, 8; 206.91; Minnesota Rules, part 8230.4365, subpart 5.

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 87 yeas and 46 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Davids	Emmer	Howes	McFarlane	Shimanski
Anderson, B.	Dean	Garofalo	Kelly	McNamara	Smith
Anderson, P.	Demmer	Gottwalt	Kiffmeyer	Murdock	Torkelson
Anderson, S.	Dettmer	Gunther	Kohls	Nornes	Urdahl
Beard	Doepke	Hackbarth	Lanning	Peppin	Westrom
Brod	Downey	Hamilton	Loon	Sanders	Zellers
Buesgens	Drazkowski	Holberg	Mack	Scott	
Cornish	Eastlund	Hoppe	Magnus	Seifert	

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

S. F. No. 1012, A bill for an act relating to state government; appropriating money for environment and natural resources.

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 104 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Abeler	Brynaert	Dill	Gardner	Hilty	Johnson
Anderson, S.	Bunn	Doepke	Greiling	Hoppe	Juhnke
Anzelc	Carlson	Doty	Hamilton	Hornstein	Kahn
Atkins	Champion	Downey	Hansen	Hortman	Kalin
Benson	Clark	Eken	Hausman	Hosch	Kath
Bigham	Cornish	Falk	Haws	Howes	Kelly
Bly	Davnie	Faust	Hayden	Huntley	Knuth
Brown	Demmer	Fritz	Hilstrom	Jackson	Koenen

Laine	Magnus	Murdock	Persell	Shimanski	Torkelson
Lanning	Mahoney	Murphy, E.	Peterson	Simon	Wagenius
Lenczewski	Mariani	Murphy, M.	Poppe	Slawik	Ward
Lesch	Marquart	Nelson	Reinert	Slocum	Welti
Liebling	Masin	Newton	Rosenthal	Solberg	Winkler
Lieder	McFarlane	Norton	Ruud	Sterner	Spk. Kelliher
Lillie	McNamara	Obermueller	Sailer	Swails	
Loeffler	Morgan	Otremba	Scalze	Thao	
Loon	Morrow	Paymar	Scott	Thissen	
Mack	Mullery	Pelowski	Sertich	Tillberry	

Those who voted in the negative were:

Anderson, B.	Davids	Eastlund	Hackbarth	Olin	Severson
Anderson, P.	Dean	Emmer	Holberg	Peppin	Smith
Beard	Dettmer	Garofalo	Kiffmeyer	Rukavina	Urdahl
Brod	Dittrich	Gottwalt	Kohls	Sanders	Westrom
Buesgens	Drazkowski	Gunther	Nornes	Seifert	Zellers

The bill was passed and its title agreed to.

S. F. No. 1503 was reported to the House.

Hosch moved to amend S. F. No. 1503, the first engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1709, as introduced:

"ARTICLE 1

CHILD WELFARE TECHNICAL

Section 1. Minnesota Statutes 2008, section 260.93, is amended to read:

260.93 INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN.

ARTICLE I. PURPOSE

The purpose of this Interstate Compact for the Placement of Children is to:

- A. Provide a process through which children subject to this compact are placed in safe and suitable homes in a timely manner.
- B. Facilitate ongoing supervision of a placement, the delivery of services, and communication between the states.
- C. Provide operating procedures that will ensure that children are placed in safe and suitable homes in a timely manner.
- D. Provide for the promulgation and enforcement of administrative rules implementing the provisions of this compact and regulating the covered activities of the member states.

- E. Provide for uniform data collection and information sharing between member states under this compact.
- F. Promote coordination between this compact, the Interstate Compact for Juveniles, the Interstate Compact on Adoption and Medical Assistance, and other compacts affecting the placement of and which provide services to children otherwise subject to this compact.
- G. Provide for a state's continuing legal jurisdiction and responsibility for placement and care of a child that it would have had if the placement were intrastate.
- H. Provide for the promulgation of guidelines, in collaboration with Indian tribes, for interstate cases involving Indian children as is or may be permitted by federal law.

ARTICLE II. DEFINITIONS

As used in this compact,

- A. "Approved placement" means the public child-placing agency in the receiving state has determined that the placement is both safe and suitable for the child.
- B. "Assessment" means an evaluation of a prospective placement by a public child-placing agency to determine whether the placement meets the individualized needs of the child, including but not limited to the child's safety and stability, health and well-being, and mental, emotional, and physical development. An assessment is only applicable to a placement by a public child-placing agency.
- C. "Child" means an individual who has not attained the age of eighteen (18).
- D. "Certification" means ~~to attest, declare, or be sworn to~~ attesting, declaring, or swearing before a judge or notary public.
- E. "Default" means the failure of a member state to perform the obligations or responsibilities imposed upon it by this compact, the bylaws or rules of the Interstate Commission.
- F. "Home study" means an evaluation of a home environment conducted according to the applicable requirements of the state in which the home is located, and documents the preparation and the suitability of the placement resource for placement of a child according to the laws and requirements of the state in which the home is located.
- G. "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan native village as defined in section 3(c) of the Alaska Native Claims Settlement Act at United States Code, title 43, chapter 33, section 1602(c).
- H. "Interstate Commission for the Placement of Children" means the commission that is created under Article VIII of this compact and which is generally referred to as the Interstate Commission.
- I. "Jurisdiction" means the power and authority of a court to hear and decide matters.
- J. "Legal risk placement" ("Legal risk adoption") means a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother's state of residence, if different from the sending state and a final decree of adoption shall not be entered in any jurisdiction until all required consents are obtained or are dispensed with according to applicable law.

K. "Member state" means a state that has enacted this compact.

L. "Noncustodial parent" means a person who, at the time of the commencement of court proceedings in the sending state, does not have sole legal custody of the child or has joint legal custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

M. "Nonmember state" means a state which has not enacted this compact.

N. "Notice of residential placement" means information regarding a placement into a residential facility provided to the receiving state including, but not limited to the name, date and place of birth of the child, the identity and address of the parent or legal guardian, evidence of authority to make the placement, and the name and address of the facility in which the child will be placed. Notice of residential placement shall also include information regarding a discharge and any unauthorized absence from the facility.

O. "Placement" means the act by a public or private child-placing agency intended to arrange for the care or custody of a child in another state.

P. "Private child-placing agency" means any private corporation, agency, foundation, institution, or charitable organization, or any private person or attorney that facilitates, causes, or is involved in the placement of a child from one state to another and that is not an instrumentality of the state or acting under color of state law.

Q. "Provisional placement" means a determination made by the public child-placing agency in the receiving state that the proposed placement is safe and suitable, and, to the extent allowable, the receiving state has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of an assessment and the receiving state requirements regarding training for prospective foster or adoptive parents shall not delay an otherwise safe and suitable placement.

R. "Public child-placing agency" means any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act on behalf of a state, county, municipality, or other governmental unit and which facilitates, causes, or is involved in the placement of a child from one state to another.

S. "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought.

T. "Relative" means someone who is related to the child as a parent, stepparent, sibling by half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a ~~non-relative~~ ~~nonrelative~~ with such significant ties to the child that they may be regarded as relatives as determined by the court in the sending state.

U. "Residential facility" means a facility providing a level of care that is sufficient to substitute for parental responsibility or foster care, and is beyond what is needed for assessment or treatment of an acute condition. For purposes of the compact, residential facilities do not include institutions primarily educational in character, hospitals, or other medical facilities.

V. "Rule" means a written directive, mandate, standard, or principle issued by the Interstate Commission promulgated pursuant to Article XI of this compact that is of general applicability and that implements, interprets, or prescribes a policy or provision of the compact. Rule has the force and effect of an administrative rule in a member state, and includes the amendment, repeal, or suspension of an existing rule.

W. "Sending state" means the state from which the placement of a child is initiated.

X. "Service member's permanent duty station" means the military installation where an active duty Armed Services member is currently assigned and is physically located under competent orders that do not specify the duty as temporary.

Y. "Service member's state of legal residence" means the state in which the active duty Armed Services member is considered a resident for tax and voting purposes.

Z. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other territory of the United States.

AA. "State court" means a judicial body of a state that is vested by law with responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or status offenses of individuals who have not attained the age of eighteen (18).

BB. "Supervision" means monitoring provided by the receiving state once a child has been placed in a receiving state pursuant to this compact.

ARTICLE III. APPLICABILITY

A. Except as otherwise provided in Article III, Section B, this compact shall apply to:

1. The interstate placement of a child subject to ongoing court jurisdiction in the sending state, due to allegations or findings that the child has been abused, neglected, or deprived as defined by the laws of the sending state, provided, however, that the placement of such a child into a residential facility shall only require notice of residential placement to the receiving state prior to placement.

2. The interstate placement of a child adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

a. the child is being placed in a residential facility in another member state and is not covered under another compact; or

b. the child is being placed in another member state and the determination of safety and suitability of the placement and services required is not provided through another compact.

3. The interstate placement of any child by a public child-placing agency or private child-placing agency as defined in this compact as a preliminary step to a possible adoption.

B. The provisions of this compact shall not apply to:

1. The interstate placement of a child in a custody proceeding in which a public child-placing agency is not a party, provided the placement is not intended to effectuate an adoption.

2. The interstate placement of a child with a ~~non-relative~~ nonrelative in a receiving state by a parent with the legal authority to make such a placement provided, however, that the placement is not intended to effectuate an adoption.

3. The interstate placement of a child by one relative with the lawful authority to make such a placement directly with a relative in a receiving state.

4. The placement of a child, not subject to Article III, Section A, into a residential facility by the child's parent.

5. The placement of a child with a noncustodial parent provided that:

a. The noncustodial parent proves to the satisfaction of a court in the sending state a substantial relationship with the child; ~~and~~

b. The court in the sending state makes a written finding that placement with the noncustodial parent is in the best interests of the child; and

c. The court in the sending state dismisses its jurisdiction over the child's case in interstate placements in which the public child-placing agency is a party to the proceedings.

6. A child entering the United States from a foreign country for the purpose of adoption or leaving the United States to go to a foreign country for the purpose of adoption in that country.

7. Cases in which a U.S. citizen child living overseas with the child's family, at least one of whom is in the United States armed services, and who is stationed overseas, is removed and placed in a state.

8. The sending of a child by a public child-placing agency or a private child-placing agency for a visit as defined by the rules of the Interstate Commission.

C. For purposes of determining the applicability of this compact to the placement of a child with a family in the armed services, the public child-placing agency or private child-placing agency may choose the state of the service member's permanent duty station or the service member's declared legal residence.

D. Nothing in this compact shall be construed to prohibit the concurrent application of the provisions of this compact with other applicable interstate compacts including the Interstate Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The Interstate Commission may in cooperation with other interstate compact commissions having responsibility for the interstate movement, placement, or transfer of children, promulgate like rules to ensure the coordination of services, timely placement of children, and the reduction of unnecessary or duplicative administrative or procedural requirements.

ARTICLE IV. JURISDICTION

A. Except as provided in article IV, section ~~G~~ H and article V, section B, paragraphs 2 and 3, concerning private and independent adoptions and in interstate placements in which the public child-placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction over a child with respect to all matters of custody and disposition of the child which it would have had if the child had remained in the sending state. Such jurisdiction shall also include the power to order the return of the child to the sending state.

B. When an issue of child protection or custody is brought before a court in the receiving state, such court shall confer with the court of the sending state to determine the most appropriate forum for adjudication.

C. In cases that are before courts and subject to this compact, the taking of testimony for hearings before any judicial officer may occur in person or by telephone; by audio-video conference; or by other means as approved by the rules of the Interstate Commission. Judicial officers may communicate with other judicial officers and persons involved in the interstate process as may be permitted by their Canons of Judicial Conduct and any rules promulgated by the Interstate Commission.

~~C~~ D. In accordance with its own laws, the court in the sending state shall have authority to terminate its jurisdiction if:

1. The child is reunified with the parent in the receiving state who is the subject of allegations or findings of abuse or neglect, only with the concurrence of the public child-placing agency in the receiving state; or

2. The child is adopted;
3. The child reaches the age of majority under the laws of the sending state; or
4. The child achieves legal independence pursuant to the laws of the sending state; or
5. A guardianship is created by a court in the receiving state with the concurrence of the court in the sending state; or
6. An Indian tribe has petitioned for and received jurisdiction from the court in the sending state; or
7. The public child-placing agency of the sending state requests termination and has obtained the concurrence of the public child-placing agency in the receiving state.

~~D.~~ E. When a sending state court terminates its jurisdiction, the receiving state child-placing agency shall be notified.

~~E.~~ F. Nothing in this article shall defeat a claim of jurisdiction by a receiving state court sufficient to deal with an act of truancy, delinquency, crime, or behavior involving a child as defined by the laws of the receiving state committed by the child in the receiving state which would be a violation of its laws.

~~F.~~ G. Nothing in this article shall limit the receiving state's ability to take emergency jurisdiction for the protection of the child.

~~G.~~ H. The substantive laws of the state in which an adoption will be finalized shall solely govern all issues relating to the adoption of the child and the court in which the adoption proceeding is filed shall have subject matter jurisdiction regarding all substantive issues relating to the adoption, except:

1. when the child is a ward of another court that established jurisdiction over the child prior to the placement;
2. when the child is in the legal custody of a public agency in the sending state; or
3. when the court in the sending state has otherwise appropriately assumed jurisdiction over the child, prior to the submission of the request for approval of placement.

ARTICLE V. PLACEMENT EVALUATION

A. Prior to sending, bringing, or causing a child to be sent or brought into a receiving state, the public child-placing agency shall provide a written request for assessment to the receiving state.

B. For placements by a private child-placing agency, a child may be sent or brought, or caused to be sent or brought, into a receiving state, upon receipt and immediate review of the required content in a request for approval of a placement in both the sending and receiving state's public child-placing agency. The required content to accompany a request for provisional approval shall include all of the following:

1. A request for approval identifying the child, birth parents, the prospective adoptive parents, and the supervising agency, signed by the person requesting approval; and
2. The appropriate consents or relinquishments signed by the birthparents in accordance with the laws of the sending state or, where permitted, the laws of the state where the adoption will be finalized; and

3. Certification by a licensed attorney or other authorized agent of a private adoption agency that the consent or relinquishment is in compliance with the applicable laws of the sending state, or where permitted the laws of the state where finalization of the adoption will occur; and

4. A home study; and

5. An acknowledgment of legal risk signed by the prospective adoptive parents.

C. The sending state and the receiving state may request additional information or documents prior to finalization of an approved placement, but they may not delay travel by the prospective adoptive parents with the child if the required content for approval has been submitted, received, and reviewed by the public child-placing agency in both the sending state and the receiving state.

D. Approval from the public child-placing agency in the receiving state for a provisional or approved placement is required as provided for in the rules of the Interstate Commission.

E. The procedures for making, and the request for an assessment, shall contain all information and be in such form as provided for in the rules of the Interstate Commission.

F. Upon receipt of a request from the public child-placing agency of the sending state, the receiving state shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child-placing agency of the sending state may request a determination for a provisional placement.

G. The public child-placing agency in the receiving state may request from the public child-placing agency or the private child-placing agency in the sending state, and shall be entitled to receive supporting or additional information necessary to complete the assessment.

ARTICLE VI. PLACEMENT AUTHORITY

A. Except as otherwise provided in this compact, no child subject to this compact shall be placed into a receiving state until approval for such placement is obtained.

B. If the public child-placing agency in the receiving state does not approve the proposed placement then the child shall not be placed. The receiving state shall provide written documentation of any such determination in accordance with the rules promulgated by the Interstate Commission. Such determination is not subject to judicial review in the sending state.

C. If the proposed placement is not approved, any interested party shall have standing to seek an administrative review of the receiving state's determination.

1. The administrative review and any further judicial review associated with the determination shall be conducted in the receiving state pursuant to its applicable Administrative ~~procedures~~ Procedure Act.

2. If a determination not to approve the placement of the child in the receiving state is overturned upon review, the placement shall be deemed approved, provided however that all administrative or judicial remedies have been exhausted or the time for such remedies has passed.

ARTICLE VII. PLACING AGENCY RESPONSIBILITY

A. For the interstate placement of a child made by a public child-placing agency or state court:

1. The public child-placing agency in the sending state shall have financial responsibility for:

- a. the ongoing support and maintenance for the child during the period of the placement, unless otherwise provided for in the receiving state; and
 - b. as determined by the public child-placing agency in the sending state, services for the child beyond the public services for which the child is eligible in the receiving state.
2. The receiving state shall only have financial responsibility for:
 - a. any assessment conducted by the receiving state; and
 - b. supervision conducted by the receiving state at the level necessary to support the placement as agreed upon by the public child-placing agencies of the receiving and sending state.
 3. Nothing in this provision shall prohibit public child-placing agencies in the sending state from entering into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision.
- B. For the placement of a child by a private child-placing agency preliminary to a possible adoption, the private child-placing agency shall be:
1. Legally responsible for the child during the period of placement as provided for in the law of the sending state until the finalization of the adoption.
 2. Financially responsible for the child absent a contractual agreement to the contrary.
- C. The public child-placing agency in the receiving state shall provide timely assessments, as provided for in the rules of the Interstate Commission.
- D. The public child-placing agency in the receiving state shall provide, or arrange for the provision of, supervision and services for the child, including timely reports, during the period of the placement.
- E. Nothing in this compact shall be construed as to limit the authority of the public child-placing agency in the receiving state from contracting with a licensed agency or person in the receiving state for an assessment or the provision of supervision or services for the child or otherwise authorizing the provision of supervision or services by a licensed agency during the period of placement.
- F. Each member state shall provide for coordination among its branches of government concerning the state's participation in, and compliance with, the compact and Interstate Commission activities, through the creation of an advisory council or use of an existing body or board.
- G. Each member state shall establish a central state compact office, which shall be responsible for state compliance with the compact and the rules of the Interstate Commission.
- H. The public child-placing agency in the sending state shall oversee compliance with the provisions of the Indian Child Welfare Act (United States Code, title 25, chapter 21, section 1901 et seq.) for placements subject to the provisions of this compact, prior to placement.
- I. With the consent of the Interstate Commission, states may enter into limited agreements that facilitate the timely assessment and provision of services and supervision of placements under this compact.

ARTICLE VIII. INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN

The member states hereby establish, by way of this compact, a commission known as the "Interstate Commission for the Placement of Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

A. Be a joint commission of the member states and shall have the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent concurrent action of the respective legislatures of the member states.

B. Consist of one commissioner from each member state who shall be appointed by the executive head of the state human services administration with ultimate responsibility for the child welfare program. The appointed commissioner shall have the legal authority to vote on policy-related matters governed by this compact binding the state.

1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

2. A majority of the member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

3. A representative shall not delegate a vote to another member state.

4. A representative may delegate voting authority to another person from their state for a specified meeting.

C. In addition to the commissioners of each member state, the Interstate Commission shall include persons who are members of interested organizations as defined in the bylaws or rules of the Interstate Commission. Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate Commission.

D. Establish an executive committee which shall have the authority to administer the day-to-day operations and administration of the Interstate Commission. It shall not have the power to engage in rulemaking.

ARTICLE IX. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

A. To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact.

B. To provide for dispute resolution among member states.

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules or actions.

D. To enforce compliance with this compact or the bylaws or rules of the Interstate Commission pursuant to Article XII.

E. Collect standardized data concerning the interstate placement of children subject to this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.

F. To establish and maintain offices as may be necessary for the transacting of its business.

G. To purchase and maintain insurance and bonds.

H. To hire or contract for services of personnel or consultants as necessary to carry out its functions under the compact and establish personnel qualification policies, and rates of compensation.

I. To establish and appoint committees and officers including, but not limited to, an executive committee as required by Article X.

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose thereof.

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

M. To establish a budget and make expenditures.

N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

O. To report annually to the legislatures, governors, the judiciary, and state advisory councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

P. To coordinate and provide education, training, and public awareness regarding the interstate movement of children for officials involved in such activity.

Q. To maintain books and records in accordance with the bylaws of the Interstate Commission.

R. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

ARTICLE X. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. Bylaws

1. Within 12 months after the first Interstate Commission meeting, the Interstate Commission shall adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact.

2. The Interstate Commission's bylaws and rules shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

B. Meetings

1. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states shall call additional meetings.

2. Public notice shall be given by the Interstate Commission of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

a. relate solely to the Interstate Commission's internal personnel practices and procedures; or

b. disclose matters specifically exempted from disclosure by federal law; or

- c. disclose financial or commercial information which is privileged, proprietary or confidential in nature; or
 - d. involve accusing a person of a crime, or formally censuring a person; or
 - e. disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy or physically endanger one or more persons; or
 - f. disclose investigative records compiled for law enforcement purposes; or
 - g. specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.
3. For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemption provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission or by court order.
4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or other electronic communication.

C. Officers and Staff

1. The Interstate Commission may, through its executive committee, appoint or retain a staff director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The staff director shall serve as secretary to the Interstate Commission, but shall not have a vote. The staff director may hire and supervise such other staff as may be authorized by the Interstate Commission.
2. The Interstate Commission shall elect, from among its members, a chairperson and a vice chairperson of the executive committee and other necessary officers, each of whom shall have such authority and duties as may be specified in the bylaws.

D. Qualified Immunity, Defense and Indemnification

1. The Interstate Commission's staff director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of such person.
- a. The liability of the Interstate Commission's staff director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of such person.
- b. The Interstate Commission shall defend the staff director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state shall defend the commissioner of a member state in a civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that

occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

c. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XI. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

B. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedure acts as the Interstate Commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Interstate Commission.

C. When promulgating a rule, the Interstate Commission shall, at a minimum:

1. Publish the proposed rule's entire text stating the reason(s) for that proposed rule; and
2. Allow and invite any and all persons to submit written data, facts, opinions, and arguments, which information shall be added to the record, and be made publicly available; and
3. Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

D. Rules promulgated by the Interstate Commission shall have the force and effect of administrative rules and shall be binding in the compacting states to the extent and in the manner provided for in this compact.

E. Not later than 60 days after a rule is promulgated, an interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside.

F. If a majority of the legislatures of the member states rejects a rule, those states may by enactment of a statute or resolution in the same manner used to adopt the compact cause that such rule shall have no further force and effect in any member state.

G. The existing rules governing the operation of the Interstate Compact on the Placement of Children superseded by this act shall be null and void no less than 12, but no more than 24 months after the first meeting of the Interstate Commission created hereunder, as determined by the members during the first meeting.

H. Within the first 12 months of operation, the Interstate Commission shall promulgate rules addressing the following:

1. Transition rules
2. Forms and procedures
3. Timelines
4. Data collection and reporting
5. Rulemaking
6. Visitation
7. Progress reports/supervision
8. Sharing of information/confidentiality
9. Financing of the Interstate Commission
10. Mediation, arbitration, and dispute resolution
11. Education, training, and technical assistance
12. Enforcement
13. Coordination with other interstate compacts

I. Upon determination by a majority of the members of the Interstate Commission that an emergency exists:

1. The Interstate Commission may promulgate an emergency rule only if it is required to:
 - a. Protect the children covered by this compact from an imminent threat to their health, safety, and well-being; or
 - b. Prevent loss of federal or state funds; or
 - c. Meet a deadline for the promulgation of an administrative rule required by federal law.
2. An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.
3. An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.

ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT

A. Oversight

1. The Interstate Commission shall oversee the administration and operation of the compact.
2. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall be binding in the compacting states to the extent and in the manner provided for in this compact.
3. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact.
4. The Interstate Commission shall be entitled to receive service of process in any action in which the validity of a compact provision or rule is the issue for which a judicial determination has been sought and shall have standing to intervene in any proceedings. Failure to provide service of process to the Interstate Commission shall render any judgment, order or other determination, however so captioned or classified, void as to the Interstate Commission, this compact, its bylaws, or rules of the Interstate Commission.

B. Dispute Resolution

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states.
2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among compacting states. The costs of such mediation or dispute resolution shall be the responsibility of the parties to the dispute.

C. Enforcement

1. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, its bylaws or rules, the Interstate Commission may:
 - a. Provide remedial training and specific technical assistance; or
 - b. Provide written notice to the defaulting state and other member states, of the nature of the default and the means of curing the default. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; or
 - c. By majority vote of the members, initiate against a defaulting member state legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal office, to enforce compliance with the provisions of the compact, its bylaws, or rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees; or
 - d. Avail itself of any other remedies available under state law or the regulation of official or professional conduct.

ARTICLE XIII. FINANCING OF THE COMMISSION

A. The Interstate Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved by its members each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission which shall promulgate a rule binding upon all member states.

C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XIV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 states. The effective date shall be the later of July 1, 2007 or upon enactment of the compact into law by the 35th state. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The executive heads of the state human services administration with ultimate responsibility for the child welfare program of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a ~~non-voting~~ nonvoting basis prior to adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding on the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XV. WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact specifically repealing the statute which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same. The effective date of withdrawal shall be the effective date of the repeal of the statute.

3. The withdrawing state shall immediately notify the president of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall then notify the other member states of the withdrawing state's intent to withdraw.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the members of the Interstate Commission.

B. Dissolution of Compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVI. SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the concurrent applicability of other interstate compacts to which the states are members.

ARTICLE XVII. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

B. Binding Effect of the Compact

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

ARTICLE XVIII. INDIAN TRIBES

Notwithstanding any other provision in this compact, the Interstate Commission may promulgate guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the compact as specified in Article I. The Interstate Commission shall make reasonable efforts to consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the various Indian tribes.

Sec. 2. Minnesota Statutes 2008, section 260C.201, subdivision 3, is amended to read:

Subd. 3. **Domestic child abuse.** (a) If the court finds that the child is a victim of domestic child abuse, as defined in section 260C.007, subdivision ~~28~~ 13, it may order any of the following dispositions of the case in addition to or as alternatives to the dispositions authorized under subdivision 1:

- (1) restrain any party from committing acts of domestic child abuse;
- (2) exclude the abusing party from the dwelling which the family or household members share or from the residence of the child;
- (3) on the same basis as is provided in chapter 518, establish temporary visitation with regard to minor children of the adult family or household members;
- (4) on the same basis as is provided in chapter 518 or 518A, establish temporary support or maintenance for a period of 30 days for minor children or a spouse;
- (5) provide counseling or other social services for the family or household members; or
- (6) order the abusing party to participate in treatment or counseling services.

Any relief granted by the order for protection shall be for a fixed period not to exceed one year.

(b) No order excluding the abusing party from the dwelling may be issued unless the court finds that:

- (1) the order is in the best interests of the child or children remaining in the dwelling;
- (2) a remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party; and
- (3) the local welfare agency has developed a plan to provide appropriate social services to the remaining family or household members.

(c) Upon a finding that the remaining parent is able to care adequately for the child and enforce an order excluding the abusing party from the home and that the provision of supportive services by the responsible social services agency is no longer necessary, the responsible social services agency may be dismissed as a party to the proceedings. Orders entered regarding the abusing party remain in full force and effect and may be renewed by the remaining parent as necessary for the continued protection of the child for specified periods of time, not to exceed one year.

Sec. 3. Minnesota Statutes 2008, section 260C.201, subdivision 11, is amended to read:

Subd. 11. **Review of court-ordered placements; permanent placement determination.** (a) This subdivision and subdivision 11a do not apply ~~in to~~ cases where the child is in placement due solely to foster care for treatment of the child's developmental disability or emotional disturbance, ~~where legal custody has not been transferred to the~~

~~responsible social services agency, and where the court finds compelling reasons under section 260C.007, subdivision 8, to continue the child in foster care past the time periods specified in this subdivision chapter 260D.~~ Foster care placements of children ~~due solely to their disability for treatment~~ are governed by ~~section 260C.141, subdivision 2a chapter 260D.~~ In all other cases where the child is in foster care or in the care of a noncustodial parent under subdivision 1, the court shall commence proceedings to determine the permanent status of a child not later than 12 months after the child is placed in foster care or in the care of a noncustodial parent. At the admit-deny hearing commencing such proceedings, the court shall determine whether there is a prima facie basis for finding that the agency made reasonable efforts, or in the case of an Indian child active efforts, required under section 260.012 and proceed according to the rules of juvenile court.

For purposes of this subdivision, the date of the child's placement in foster care is the earlier of the first court-ordered placement or 60 days after the date on which the child has been voluntarily placed in foster care by the child's parent or guardian. For purposes of this subdivision, time spent by a child under the protective supervision of the responsible social services agency in the home of a noncustodial parent pursuant to an order under subdivision 1 counts towards the requirement of a permanency hearing under this subdivision or subdivision 11a. Time spent on a trial home visit counts towards the requirement of a permanency hearing under this subdivision and a permanency review for a child under eight years of age under subdivision 11a.

For purposes of this subdivision, 12 months is calculated as follows:

(1) during the pendency of a petition alleging that a child is in need of protection or services, all time periods when a child is placed in foster care or in the home of a noncustodial parent are cumulated;

(2) if a child has been placed in foster care within the previous five years under one or more previous petitions, the lengths of all prior time periods when the child was placed in foster care within the previous five years are cumulated. If a child under this clause has been in foster care for 12 months or more, the court, if it is in the best interests of the child and for compelling reasons, may extend the total time the child may continue out of the home under the current petition up to an additional six months before making a permanency determination.

(b) Unless the responsible social services agency recommends return of the child to the custodial parent or parents, not later than 30 days prior to the admit-deny hearing required under paragraph (a) and the rules of juvenile court, the responsible social services agency shall file pleadings in juvenile court to establish the basis for the juvenile court to order permanent placement of the child, including a termination of parental rights petition, according to paragraph (d). Notice of the hearing and copies of the pleadings must be provided pursuant to section 260C.152.

(c) The permanency proceedings shall be conducted in a timely fashion including that any trial required under section 260C.163 shall be commenced within 60 days of the admit-deny hearing required under paragraph (a). At the conclusion of the permanency proceedings, the court shall:

(1) order the child returned to the care of the parent or guardian from whom the child was removed; or

(2) order a permanent placement or termination of parental rights if permanent placement or termination of parental rights is in the child's best interests. The "best interests of the child" means all relevant factors to be considered and evaluated. Transfer of permanent legal and physical custody, termination of parental rights, or guardianship and legal custody to the commissioner through a consent to adopt are preferred permanency options for a child who cannot return home.

(d) If the child is not returned to the home, the court must order one of the following dispositions:

(1) permanent legal and physical custody to a relative in the best interests of the child according to the following conditions:

(i) an order for transfer of permanent legal and physical custody to a relative shall only be made after the court has reviewed the suitability of the prospective legal and physical custodian;

(ii) in transferring permanent legal and physical custody to a relative, the juvenile court shall follow the standards applicable under this chapter and chapter 260, and the procedures set out in the juvenile court rules;

(iii) an order establishing permanent legal and physical custody under this subdivision must be filed with the family court;

(iv) a transfer of legal and physical custody includes responsibility for the protection, education, care, and control of the child and decision making on behalf of the child;

(v) the social services agency may bring a petition or motion naming a fit and willing relative as a proposed permanent legal and physical custodian. The commissioner of human services shall annually prepare for counties information that must be given to proposed custodians about their legal rights and obligations as custodians together with information on financial and medical benefits for which the child is eligible; and

(vi) the juvenile court may maintain jurisdiction over the responsible social services agency, the parents or guardian of the child, the child, and the permanent legal and physical custodian for purposes of ensuring appropriate services are delivered to the child and permanent legal custodian or for the purpose of ensuring conditions ordered by the court related to the care and custody of the child are met;

(2) termination of parental rights when the requirements of sections 260C.301 to 260C.328 are met or according to the following conditions:

(i) order the social services agency to file a petition for termination of parental rights in which case all the requirements of sections 260C.301 to 260C.328 remain applicable; and

(ii) an adoption completed subsequent to a determination under this subdivision may include an agreement for communication or contact under section 259.58;

(3) long-term foster care according to the following conditions:

(i) the court may order a child into long-term foster care only if it approves the responsible social service agency's compelling reasons that neither an award of permanent legal and physical custody to a relative, nor termination of parental rights is in the child's best interests;

(ii) further, the court may only order long-term foster care for the child under this section if it finds the following:

(A) the child has reached age 12 and the responsible social services agency has made reasonable efforts to locate and place the child with an adoptive family or with a fit and willing relative who will agree to a transfer of permanent legal and physical custody of the child, but such efforts have not proven successful; or

(B) the child is a sibling of a child described in subitem (A) and the siblings have a significant positive relationship and are ordered into the same long-term foster care home; and

(iii) at least annually, the responsible social services agency reconsiders its provision of services to the child and the child's placement in long-term foster care to ensure that:

(A) long-term foster care continues to be the most appropriate legal arrangement for meeting the child's need for permanency and stability, including whether there is another permanent placement option under this chapter that would better serve the child's needs and best interests;

(B) whenever possible, there is an identified long-term foster care family that is committed to being the foster family for the child as long as the child is a minor or under the jurisdiction of the court;

(C) the child is receiving appropriate services or assistance to maintain or build connections with the child's family and community;

(D) the child's physical and mental health needs are being appropriately provided for; and

(E) the child's educational needs are being met;

(4) foster care for a specified period of time according to the following conditions:

(i) foster care for a specified period of time may be ordered only if:

(A) the sole basis for an adjudication that the child is in need of protection or services is the child's behavior;

(B) the court finds that foster care for a specified period of time is in the best interests of the child; and

(C) the court approves the responsible social services agency's compelling reasons that neither an award of permanent legal and physical custody to a relative, nor termination of parental rights is in the child's best interests;

(ii) the order does not specify that the child continue in foster care for any period exceeding one year; or

(5) guardianship and legal custody to the commissioner of human services under the following procedures and conditions:

(i) there is an identified prospective adoptive home agreed to by the responsible social services agency having legal custody of the child pursuant to court order under this section that has agreed to adopt the child and the court accepts the parent's voluntary consent to adopt under section 259.24, except that such consent executed by a parent under this item, following proper notice that consent given under this provision is irrevocable upon acceptance by the court, shall be irrevocable unless fraud is established and an order issues permitting revocation as stated in item (vii);

(ii) if the court accepts a consent to adopt in lieu of ordering one of the other enumerated permanency dispositions, the court must review the matter at least every 90 days. The review will address the reasonable efforts of the agency to achieve a finalized adoption;

(iii) a consent to adopt under this clause vests all legal authority regarding the child, including guardianship and legal custody of the child, with the commissioner of human services as if the child were a state ward after termination of parental rights;

(iv) the court must forward a copy of the consent to adopt, together with a certified copy of the order transferring guardianship and legal custody to the commissioner, to the commissioner;

(v) if an adoption is not finalized by the identified prospective adoptive parent within 12 months of the execution of the consent to adopt under this clause, the commissioner of human services or the commissioner's delegate shall pursue adoptive placement in another home unless the commissioner certifies that the failure to finalize is not due to either an action or a failure to act by the prospective adoptive parent;

(vi) notwithstanding item (v), the commissioner of human services or the commissioner's designee must pursue adoptive placement in another home as soon as the commissioner or commissioner's designee determines that finalization of the adoption with the identified prospective adoptive parent is not possible, that the identified prospective adoptive parent is not willing to adopt the child, that the identified prospective adoptive parent is not cooperative in completing the steps necessary to finalize the adoption, or upon the commissioner's determination to withhold consent to the adoption.

(vii) unless otherwise required by the Indian Child Welfare Act, United States Code, title 25, section 1913, a consent to adopt executed under this section, following proper notice that consent given under this provision is irrevocable upon acceptance by the court, shall be irrevocable upon acceptance by the court except upon order permitting revocation issued by the same court after written findings that consent was obtained by fraud.

(e) In ordering a permanent placement of a child, the court must be governed by the best interests of the child, including a review of the relationship between the child and relatives and the child and other important persons with whom the child has resided or had significant contact. When the court has determined that permanent placement of the child away from the parent is necessary, the court shall consider permanent alternative homes that are available both inside and outside the state.

(f) Once a permanent placement determination has been made and permanent placement has been established, further court reviews are necessary if:

- (1) the placement is long-term foster care or foster care for a specified period of time;
- (2) the court orders further hearings because it has retained jurisdiction of a transfer of permanent legal and physical custody matter;
- (3) an adoption has not yet been finalized; or
- (4) there is a disruption of the permanent or long-term placement.

(g) Court reviews of an order for long-term foster care, whether under this section or section 260C.317, subdivision 3, paragraph (d), must be conducted at least yearly and must review the child's out-of-home placement plan and the reasonable efforts of the agency to finalize the permanent plan for the child including the agency's efforts to:

- (1) ensure that long-term foster care continues to be the most appropriate legal arrangement for meeting the child's need for permanency and stability or, if not, to identify and attempt to finalize another permanent placement option under this chapter that would better serve the child's needs and best interests;
- (2) identify a specific long-term foster home for the child, if one has not already been identified;
- (3) support continued placement of the child in the identified home, if one has been identified;
- (4) ensure appropriate services are provided to address the physical health, mental health, and educational needs of the child during the period of long-term foster care and also ensure appropriate services or assistance to maintain relationships with appropriate family members and the child's community; and
- (5) plan for the child's independence upon the child's leaving long-term foster care living as required under section 260C.212, subdivision 1.

(h) In the event it is necessary for a child that has been ordered into foster care for a specified period of time to be in foster care longer than one year after the permanency hearing held under this section, not later than 12 months after the time the child was ordered into foster care for a specified period of time, the matter must be returned to

court for a review of the appropriateness of continuing the child in foster care and of the responsible social services agency's reasonable efforts to finalize a permanent plan for the child; if it is in the child's best interests to continue the order for foster care for a specified period of time past a total of 12 months, the court shall set objectives for the child's continuation in foster care, specify any further amount of time the child may be in foster care, and review the plan for the safe return of the child to the parent.

(i) An order permanently placing a child out of the home of the parent or guardian must include the following detailed findings:

(1) how the child's best interests are served by the order;

(2) the nature and extent of the responsible social service agency's reasonable efforts, or, in the case of an Indian child, active efforts to reunify the child with the parent or guardian where reasonable efforts are required;

(3) the parent's or parents' efforts and ability to use services to correct the conditions which led to the out-of-home placement; and

(4) that the conditions which led to the out-of-home placement have not been corrected so that the child can safely return home.

(j) An order for permanent legal and physical custody of a child may be modified under sections 518.18 and 518.185. The social services agency is a party to the proceeding and must receive notice. A parent may only seek modification of an order for long-term foster care upon motion and a showing by the parent of a substantial change in the parent's circumstances such that the parent could provide appropriate care for the child and that removal of the child from the child's permanent placement and the return to the parent's care would be in the best interest of the child. The responsible social services agency may ask the court to vacate an order for long-term foster care upon a prima facie showing that there is a factual basis for the court to order another permanency option under this chapter and that such an option is in the child's best interests. Upon a hearing where the court determines that there is a factual basis for vacating the order for long-term foster care and that another permanent order regarding the placement of the child is in the child's best interests, the court may vacate the order for long-term foster care and enter a different order for permanent placement that is in the child's best interests. The court shall not require further reasonable efforts to reunify the child with the parent or guardian as a basis for vacating the order for long-term foster care and ordering a different permanent placement in the child's best interests. The county attorney must file pleadings and give notice as required under the rules of juvenile court in order to modify an order for long-term foster care under this paragraph.

(k) The court shall issue an order required under this section within 15 days of the close of the proceedings. The court may extend issuing the order an additional 15 days when necessary in the interests of justice and the best interests of the child.

(l) This paragraph applies to proceedings required under this subdivision when the child is on a trial home visit:

(1) if the child is on a trial home visit 12 months after the child was placed in foster care or in the care of a noncustodial parent as calculated in this subdivision, the responsible social services agency may file a report with the court regarding the child's and parent's progress on the trial home visit and its reasonable efforts to finalize the child's safe and permanent return to the care of the parent in lieu of filing the pleadings required under paragraph (b). The court shall make findings regarding reasonableness of the responsible social services efforts to finalize the child's return home as the permanent order in the best interests of the child. The court may continue the trial home visit to a total time not to exceed six months as provided in subdivision 1. If the court finds the responsible social services agency has not made reasonable efforts to finalize the child's return home as the permanent order in the best interests of the child, the court may order other or additional efforts to support the child remaining in the care of the parent; and

(2) if a trial home visit ordered or continued at proceedings under this subdivision terminates, the court shall recommence proceedings under this subdivision to determine the permanent status of the child not later than 30 days after the child is returned to foster care.

Sec. 4. Minnesota Statutes 2008, section 260C.209, subdivision 3, is amended to read:

~~Subd. 3. **Multistate information.** For every background study completed under this section, the subject of the background study shall provide the responsible social services agency with a set of classifiable fingerprints obtained from an authorized agency. The responsible social services agency shall provide the fingerprints to the commissioner, and the commissioner shall obtain criminal history data from the National Criminal Records Repository by submitting the fingerprints to the Bureau of Criminal Apprehension.~~

In cases involving the emergency relative placement of children under section 245A.035, the social services agency or county attorney may request a name-based check of the National Criminal Records Repository. In those cases, fingerprints of the individual being checked must be forwarded to the Bureau of Criminal Apprehension for submission to the Federal Bureau of Investigation within 15 calendar days of the name-based check. If the subject of the name-based check does not provide fingerprints upon request, the child or children must be removed from the home.

Sec. 5. Minnesota Statutes 2008, section 260C.212, subdivision 4, is amended to read:

Subd. 4. **Agency responsibilities for parents and children in placement.** (a) When a child is in foster care, the responsible social services agency shall make diligent efforts to identify, locate, and, where appropriate, offer services to both parents of the child.

(1) The responsible social services agency shall assess whether a noncustodial or nonadjudicated parent is willing and capable of providing for the day-to-day care of the child temporarily or permanently. An assessment under this clause may include, but is not limited to, obtaining information under section 260C.209. If after assessment, the responsible social services agency determines that a noncustodial or nonadjudicated parent is willing and capable of providing day-to-day care of the child, the responsible social services agency may seek authority from the custodial parent or the court to have that parent assume day-to-day care of the child. If a parent is not an adjudicated parent, the responsible social services agency shall require the nonadjudicated parent to cooperate with paternity establishment procedures as part of the case plan.

(2) If, after assessment, the responsible social services agency determines that the child cannot be in the day-to-day care of either parent, the agency shall:

(i) prepare an out-of-home placement plan addressing the conditions that each parent must meet before the child can be in that parent's day-to-day care; and

(ii) provide a parent who is the subject of a background study under section 260C.209 15 days' notice that it intends to use the study to recommend against putting the child with that parent, ~~as well as the notice provided in section 260C.209, subdivision 4~~, and the court shall afford the parent an opportunity to be heard concerning the study.

The results of a background study of a noncustodial parent shall not be used by the agency to determine that the parent is incapable of providing day-to-day care of the child unless the agency reasonably believes that placement of the child into the home of that parent would endanger the child's health, safety, or welfare.

(3) If, after the provision of services following an out-of-home placement plan under this section, the child cannot return to the care of the parent from whom the child was removed or who had legal custody at the time the child was placed in foster care, the agency may petition on behalf of a noncustodial parent to establish legal custody with that parent under section 260C.201, subdivision 11. If paternity has not already been established, it may be established in the same proceeding in the manner provided for under chapter 257.

(4) The responsible social services agency may be relieved of the requirement to locate and offer services to both parents by the juvenile court upon a finding of good cause after the filing of a petition under section 260C.141.

(b) The responsible social services agency shall give notice to the parent or guardian of each child in foster care, other than a child in voluntary foster care for treatment under chapter 260D, of the following information:

(1) that the child's placement in foster care may result in termination of parental rights or an order permanently placing the child out of the custody of the parent, but only after notice and a hearing as required under chapter 260C and the juvenile court rules;

(2) time limits on the length of placement and of reunification services, including the date on which the child is expected to be returned to and safely maintained in the home of the parent or parents or placed for adoption or otherwise permanently removed from the care of the parent by court order;

(3) the nature of the services available to the parent;

(4) the consequences to the parent and the child if the parent fails or is unable to use services to correct the circumstances that led to the child's placement;

(5) the first consideration for placement with relatives;

(6) the benefit to the child in getting the child out of foster care as soon as possible, preferably by returning the child home, but if that is not possible, through a permanent legal placement of the child away from the parent;

(7) when safe for the child, the benefits to the child and the parent of maintaining visitation with the child as soon as possible in the course of the case and, in any event, according to the visitation plan under this section; and

(8) the financial responsibilities and obligations, if any, of the parent or parents for the support of the child during the period the child is in foster care.

(c) The responsible social services agency shall inform a parent considering voluntary placement of a child under subdivision 8, of the following information:

(1) the parent and the child each has a right to separate legal counsel before signing a voluntary placement agreement, but not to counsel appointed at public expense;

(2) the parent is not required to agree to the voluntary placement, and a parent who enters a voluntary placement agreement may at any time request that the agency return the child. If the parent so requests, the child must be returned within 24 hours of the receipt of the request;

(3) evidence gathered during the time the child is voluntarily placed may be used at a later time as the basis for a petition alleging that the child is in need of protection or services or as the basis for a petition seeking termination of parental rights or other permanent placement of the child away from the parent;

(4) if the responsible social services agency files a petition alleging that the child is in need of protection or services or a petition seeking the termination of parental rights or other permanent placement of the child away from the parent, the parent would have the right to appointment of separate legal counsel and the child would have a right to the appointment of counsel and a guardian ad litem as provided by law, and that counsel will be appointed at public expense if they are unable to afford counsel; and

(5) the timelines and procedures for review of voluntary placements under subdivision 3, and the effect the time spent in voluntary placement on the scheduling of a permanent placement determination hearing under section 260C.201, subdivision 11.

(d) When an agency accepts a child for placement, the agency shall determine whether the child has had a physical examination by or under the direction of a licensed physician within the 12 months immediately preceding the date when the child came into the agency's care. If there is documentation that the child has had an examination within the last 12 months, the agency is responsible for seeing that the child has another physical examination within one year of the documented examination and annually in subsequent years. If the agency determines that the child has not had a physical examination within the 12 months immediately preceding placement, the agency shall ensure that the child has an examination within 30 days of coming into the agency's care and once a year in subsequent years.

(e) Whether under state guardianship or not, if a child leaves foster care by reason of having attained the age of majority under state law, the child must be given at no cost a copy of the child's social and medical history, as defined in section 259.43, and education report.

Sec. 6. Minnesota Statutes 2008, section 260C.212, subdivision 7, is amended to read:

Subd. 7. **Administrative or court review of placements.** (a) There shall be an administrative review of the out-of-home placement plan of each child placed in foster care no later than 180 days after the initial placement of the child in foster care and at least every six months thereafter if the child is not returned to the home of the parent or parents within that time. The out-of-home placement plan must be monitored and updated at each administrative review. The administrative review shall be conducted by the responsible social services agency using a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review. The administrative review shall be open to participation by the parent or guardian of the child and the child, as appropriate.

(b) As an alternative to the administrative review required in paragraph (a), the court may, as part of any hearing required under the Minnesota Rules of Juvenile Protection Procedure, conduct a hearing to monitor and update the out-of-home placement plan pursuant to the procedure and standard in section 260C.201, subdivision 6, paragraph (d). The party requesting review of the out-of-home placement plan shall give parties to the proceeding notice of the request to review and update the out-of-home placement plan. A court review conducted pursuant to section 260C.193; 260C.201, subdivision 1 or 11; 260C.141, subdivision 2 or 2a, clause (2); or 260C.317 shall satisfy the requirement for the review so long as the other requirements of this section are met.

(c) As appropriate to the stage of the proceedings and relevant court orders, the responsible social services agency or the court shall review:

- (1) the safety, permanency needs, and well-being of the child;
- (2) the continuing necessity for and appropriateness of the placement;
- (3) the extent of compliance with the out-of-home placement plan;
- (4) the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care;
- (5) the projected date by which the child may be returned to and safely maintained in the home or placed permanently away from the care of the parent or parents or guardian; and
- (6) the appropriateness of the services provided to the child.

(d) When a child is age 16 or older, in addition to any administrative review conducted by the agency, at the review required under section 260C.201, subdivision 11, paragraph (d), clause (3), item (iii); or 260C.317, subdivision 3, clause (3), the court shall review the independent living plan required under subdivision 1, paragraph (c), clause (8), and the provision of services to the child related to the well-being of the child as the child prepares to leave foster care. The review shall include the actual plans related to each item in the plan necessary to the child's future safety and well-being when the child is no longer in foster care.

(1) At the court review, the responsible social services agency shall establish that it has given the notice required under Minnesota Rules, part 9560.0060, regarding the right to continued access to services for certain children in foster care past age 18 and of the right to appeal a denial of social services under section ~~256.245~~ 256.045. If the agency is unable to establish that the notice, including the right to appeal a denial of social services, has been given, the court shall require the agency to give it.

(2) The court shall make findings regarding progress toward or accomplishment of the following goals:

- (i) the child has obtained a high school diploma or its equivalent;
- (ii) the child has completed a driver's education course or has demonstrated the ability to use public transportation in the child's community;
- (iii) the child is employed or enrolled in postsecondary education;
- (iv) the child has applied for and obtained postsecondary education financial aid for which the child is eligible;
- (v) the child has health care coverage and health care providers to meet the child's physical and mental health needs;
- (vi) the child has applied for and obtained disability income assistance for which the child is eligible;
- (vii) the child has obtained affordable housing with necessary supports, which does not include a homeless shelter;
- (viii) the child has saved sufficient funds to pay for the first month's rent and a damage deposit;
- (ix) the child has an alternative affordable housing plan, which does not include a homeless shelter, if the original housing plan is unworkable;
- (x) the child, if male, has registered for the Selective Service; and
- (xi) the child has a permanent connection to a caring adult.

(3) The court shall ensure that the responsible agency in conjunction with the placement provider assists the child in obtaining the following documents prior to the child's leaving foster care: a Social Security card; the child's birth certificate; a state identification card or driver's license, green card, or school visa; the child's school, medical, and dental records; a contact list of the child's medical, dental, and mental health providers; and contact information for the child's siblings, if the siblings are in foster care.

Sec. 7. Minnesota Statutes 2008, section 260D.07, is amended to read:

260D.07 REQUIRED PERMANENCY REVIEW HEARING.

(a) When the court has found that the voluntary arrangement is in the child's best interests and that the agency and parent are appropriately planning for the child pursuant to the report submitted under section 260D.06, and the child continues in voluntary foster care as defined in section 260D.02, subdivision 10, for 13 months from the date of the voluntary foster care agreement, or has been in placement for 15 of the last 22 months, the agency must:

(1) terminate the voluntary foster care agreement and return the child home; or

(2) determine whether there are compelling reasons to continue the voluntary foster care arrangement and, if the agency determines there are compelling reasons, seek judicial approval of its determination; or

(3) file a petition for the termination of parental rights.

(b) When the agency is asking for the court's approval of its determination that there are compelling reasons to continue the child in the voluntary foster care arrangement, the agency shall file a "Petition for Permanency Review Regarding a Child in Voluntary Foster Care for Treatment" and ask the court to proceed under this section.

(c) The "Petition for Permanency Review Regarding a Child in Voluntary Foster Care for Treatment" shall be drafted or approved by the county attorney and be under oath. The petition shall include:

(1) the date of the voluntary placement agreement;

(2) whether the petition is due to the child's developmental disability or emotional disturbance;

(3) the plan for the ongoing care of the child and the parent's participation in the plan;

(4) a description of the parent's visitation and contact with the child;

(5) the date of the court finding that the foster care placement was in the best interests of the child, if required under section 260D.06, or the date the agency filed the motion under section 260D.09, paragraph (b);

(6) the agency's reasonable efforts to finalize the permanent plan for the child, including returning the child to the care of the child's family; and

(7) a citation to this chapter as the basis for the petition.

(d) An updated copy of the out-of-home placement plan required under section 260C.212, subdivision 1, shall be filed with the petition.

(e) The court shall set the date for the permanency review hearing no later than 14 months after the child has been in placement or within 30 days of the petition filing date when the child has been in placement 15 of the last 22 months. The court shall serve the petition together with a notice of hearing by United States mail on the parent, the child age 12 or older, the child's guardian ad litem, if one has been appointed, the agency, the county attorney, and counsel for any party.

(f) The court shall conduct the permanency review hearing on the petition no later than 14 months after the date of the voluntary placement agreement, within 30 days of the filing of the petition when the child has been in placement 15 days of the last 22 months, or within 15 days of a motion to terminate jurisdiction and to dismiss an order for foster care under chapter 260C, as provided in section 260D.09, paragraph (b).

(g) At the permanency review hearing, the court shall:

(1) inquire of the parent if the parent has reviewed the "Petition for Permanency Review Regarding a Child in Voluntary Foster Care for Treatment," whether the petition is accurate, and whether the parent agrees to the continued voluntary foster care arrangement as being in the child's best interests;

(2) inquire of the parent if the parent is satisfied with the agency's reasonable efforts to finalize the permanent plan for the child, including whether there are services available and accessible to the parent that might allow the child to safely be with the child's family;

(3) inquire of the parent if the parent consents to the court entering an order that:

(i) approves the responsible agency's reasonable efforts to finalize the permanent plan for the child, which includes ongoing future planning for the safety, health, and best interests of the child; and

(ii) approves the responsible agency's determination that there are compelling reasons why the continued voluntary foster care arrangement is in the child's best interests; and

(4) inquire of the child's guardian ad litem and any other party whether the guardian or the party agrees that:

(i) the court should approve the responsible agency's reasonable efforts to finalize the permanent plan for the child, which includes ongoing and future planning for the safety, health, and best interests of the child; and

(ii) the court should approve of the responsible agency's determination that there are compelling reasons why the continued voluntary foster care arrangement is in the child's best interests.

(h) At a permanency review hearing under this section, the court may take the following actions based on the contents of the sworn petition and the consent of the parent:

(1) approve the agency's compelling reasons that the voluntary foster care arrangement is in the best interests of the child; and

(2) find that the agency has made reasonable efforts to finalize ~~a plan for~~ the permanent plan for the child.

(i) A child, age 12 or older, may object to the agency's request that the court approve its compelling reasons for the continued voluntary arrangement and may be heard on the reasons for the objection. Notwithstanding the child's objection, the court may approve the agency's compelling reasons and the voluntary arrangement.

(j) If the court does not approve the voluntary arrangement after hearing from the child or the child's guardian ad litem, the court shall dismiss the petition. In this case, either:

(1) the child must be returned to the care of the parent; or

(2) the agency must file a petition under section 260C.141, asking for appropriate relief under section 260C.201, subdivision 11, or 260C.301.

(k) When the court approves the agency's compelling reasons for the child to continue in voluntary foster care for treatment, and finds that the agency has made reasonable efforts to finalize a permanent plan for the child, the court shall approve the continued voluntary foster care arrangement, and continue the matter under the court's jurisdiction for the purposes of reviewing the child's placement every 12 months while the child is in foster care.

(l) A finding that the court approves the continued voluntary placement means the agency has continued legal authority to place the child while a voluntary placement agreement remains in effect. The parent or the agency may terminate a voluntary agreement as provided in section 260D.10. Termination of a voluntary foster care placement of an Indian child is governed by section 260.765, subdivision 4.

Sec. 8. Laws 2008, chapter 361, article 6, section 58, is amended to read:

Sec. 58. **REVISOR'S INSTRUCTION.**

(a) In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

Column A	Column B	Column C
259.67	260.851, article 5	260.853 <u>260.93</u> , article 4
256B.094	260.851	260.853 <u>260.93</u>

(b) In each section of Minnesota Rules referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>9545.0755</u>	<u>260.851 to 260.91</u>	<u>260.855 to 260.93</u>
<u>9545.0815</u>	<u>260.851</u>	<u>260.93</u>
<u>9550.6210</u>	<u>260.851 to 260.91</u>	<u>260.855 to 260.93</u>
<u>9560.0130</u>	<u>260.851</u>	<u>260.93</u>

(c) The revisor of statutes shall replace "Interstate Compact on the Placement of Children" with "Interstate Compact for the Placement of Children" wherever it appears in rules or statutes.

EFFECTIVE DATE. This section is effective upon legislative enactment of the compact in Minnesota Statutes, section 260.93, into law by no less than 35 states. The commissioner of human services shall inform the revisor of statutes when this occurs.

Sec. 9. **REPEALER.**

Minnesota Statutes 2008, section 260C.209, subdivision 4, is repealed.

ARTICLE 2

CHILD WELFARE POLICY

Section 1. Minnesota Statutes 2008, section 13.46, subdivision 2, is amended to read:

Subd. 2. **General.** (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

(1) according to section 13.05;

(2) according to court order;

(3) according to a statute specifically authorizing access to the private data;

(4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;

(5) to personnel of the welfare system who require the data to verify an individual's identity; determine eligibility, amount of assistance, and the need to provide services to an individual or family across programs; evaluate the effectiveness of programs; assess parental contribution amounts; and investigate suspected fraud;

(6) to administer federal funds or programs;

(7) between personnel of the welfare system working in the same program;

(8) to the Department of Revenue to assess parental contribution amounts for purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit programs and to identify individuals who may benefit from these programs. The following information may be disclosed under this paragraph: an individual's and their dependent's names, dates of birth, Social Security numbers, income, addresses, and other data as required, upon request by the Department of Revenue. Disclosures by the commissioner of revenue to the commissioner of human services for the purposes described in this clause are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include, but are not limited to, the dependent care credit under section 290.067, the Minnesota working family credit under section 290.0671, the property tax refund and rental credit under section 290A.04, and the Minnesota education credit under section 290.0674;

(9) between the Department of Human Services, the Department of Employment and Economic Development, and when applicable, the Department of Education, for the following purposes:

(i) to monitor the eligibility of the data subject for unemployment benefits, for any employment or training program administered, supervised, or certified by that agency;

(ii) to administer any rehabilitation program or child care assistance program, whether alone or in conjunction with the welfare system;

(iii) to monitor and evaluate the Minnesota family investment program or the child care assistance program by exchanging data on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and

(iv) to analyze public assistance employment services and program utilization, cost, effectiveness, and outcomes as implemented under the authority established in Title II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of 1999. Health records governed by sections 144.291 to 144.298 and "protected health information" as defined in Code of Federal Regulations, title 45, section 160.103, and governed by Code of Federal Regulations, title 45, parts 160-164, including health care claims utilization information, must not be exchanged under this clause;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential programs as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state according to Part C of Public Law 98-527 to protect the legal and human rights of persons with developmental disabilities or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the Minnesota Office of Higher Education to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant Social Security numbers and names collected by the telephone assistance program may be disclosed to the Department of Revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a Minnesota family investment program participant may be disclosed to law enforcement officers who provide the name of the participant and notify the agency that:

(i) the participant:

(A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony under the laws of the jurisdiction from which the individual is fleeing; or

(B) is violating a condition of probation or parole imposed under state or federal law;

(ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and

(iii) the request is made in writing and in the proper exercise of those duties;

(16) the current address of a recipient of general assistance or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient and to law enforcement officers who are investigating the recipient in connection with a felony level offense;

(17) information obtained from food support applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act, according to Code of Federal Regulations, title 7, section 272.1(c);

(18) the address, Social Security number, and, if available, photograph of any member of a household receiving food support shall be made available, on request, to a local, state, or federal law enforcement officer if the officer furnishes the agency with the name of the member and notifies the agency that:

(i) the member:

(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

(B) is violating a condition of probation or parole imposed under state or federal law; or

(C) has information that is necessary for the officer to conduct an official duty related to conduct described in subitem (A) or (B);

(ii) locating or apprehending the member is within the officer's official duties; and

(iii) the request is made in writing and in the proper exercise of the officer's official duty;

(19) the current address of a recipient of Minnesota family investment program, general assistance, general assistance medical care, or food support may be disclosed to law enforcement officers who, in writing, provide the name of the recipient and notify the agency that the recipient is a person required to register under section 243.166, but is not residing at the address at which the recipient is registered under section 243.166;

(20) certain information regarding child support obligors who are in arrears may be made public according to section 518A.74;

(21) data on child support payments made by a child support obligor and data on the distribution of those payments excluding identifying information on obligees may be disclosed to all obligees to whom the obligor owes support, and data on the enforcement actions undertaken by the public authority, the status of those actions, and data on the income of the obligor or obligee may be disclosed to the other party;

(22) data in the work reporting system may be disclosed under section 256.998, subdivision 7;

(23) to the Department of Education for the purpose of matching Department of Education student data with public assistance data to determine students eligible for free and reduced-price meals, meal supplements, and free milk according to United States Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and state funds that are distributed based on income of the student's family; and to verify receipt of energy assistance for the telephone assistance plan;

(24) the current address and telephone number of program recipients and emergency contacts may be released to the commissioner of health or a local board of health as defined in section 145A.02, subdivision 2, when the commissioner or local board of health has reason to believe that a program recipient is a disease case, carrier, suspect case, or at risk of illness, and the data are necessary to locate the person;

(25) to other state agencies, statewide systems, and political subdivisions of this state, including the attorney general, and agencies of other states, interstate information networks, federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program;

(26) to personnel of public assistance programs as defined in section 256.741, for access to the child support system database for the purpose of administration, including monitoring and evaluation of those public assistance programs;

(27) to monitor and evaluate the Minnesota family investment program by exchanging data between the Departments of Human Services and Education, on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(28) to evaluate child support program performance and to identify and prevent fraud in the child support program by exchanging data between the Department of Human Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a) and (b), without regard to the limitation of use in paragraph (c), Department of Health, Department of Employment and Economic Development, and other state agencies as is reasonably necessary to perform these functions; ~~or~~

(29) counties operating child care assistance programs under chapter 119B may disseminate data on program participants, applicants, and providers to the commissioner of education; ~~or~~

(30) child support data on the parents and the child may be disclosed to agencies administering programs under Titles IV-E and IV-B of the Social Security Act, as provided by federal law. Data may be disclosed only to the extent necessary for the purpose of establishing parentage or for determining who has or may have parental rights with respect to a child, which could be related to permanency planning.

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed according to the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b).

For the purposes of this subdivision, a request will be deemed to be made in writing if made through a computer interface system.

Sec. 2. Minnesota Statutes 2008, section 256.01, subdivision 14b, is amended to read:

Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of human services may authorize projects to test tribal delivery of child welfare services to American Indian children and their parents and custodians living on the reservation. The commissioner has authority to solicit and determine which tribes may participate in a project. Grants may be issued to Minnesota Indian tribes to support the projects. The commissioner may waive existing state rules as needed to accomplish the projects. Notwithstanding section 626.556, the commissioner may authorize projects to use alternative methods of investigating and assessing reports of child maltreatment, provided that the projects comply with the provisions of section 626.556 dealing with the rights of individuals who are subjects of reports or investigations, including notice and appeal rights and data practices requirements. The commissioner may seek any federal approvals necessary to carry out the projects as well as seek and use any funds available to the commissioner, including use of federal funds, foundation funds, existing grant funds, and other funds. The commissioner is authorized to advance state funds as necessary to operate the projects. Federal reimbursement applicable to the projects is appropriated to the commissioner for the purposes of the projects. The projects must be required to address responsibility for safety, permanency, and well-being of children.

(b) For the purposes of this section, "American Indian child" means a person under 18 years of age who is a tribal member or eligible for membership in one of the tribes chosen for a project under this subdivision and who is residing on the reservation of that tribe.

(c) In order to qualify for an American Indian child welfare project, a tribe must:

- (1) be one of the existing tribes with reservation land in Minnesota;
- (2) have a tribal court with jurisdiction over child custody proceedings;
- (3) have a substantial number of children for whom determinations of maltreatment have occurred;
- (4) have capacity to respond to reports of abuse and neglect under section 626.556;
- (5) provide a wide range of services to families in need of child welfare services; and
- (6) have a tribal-state title IV-E agreement in effect.

(d) Grants awarded under this section may be used for the nonfederal costs of providing child welfare services to American Indian children on the tribe's reservation, including costs associated with:

- (1) assessment and prevention of child abuse and neglect;
- (2) family preservation;
- (3) facilitative, supportive, and reunification services;
- (4) out-of-home placement for children removed from the home for child protective purposes; and

(5) other activities and services approved by the commissioner that further the goals of providing safety, permanency, and well-being of American Indian children.

(e) When a tribe has initiated a project and has been approved by the commissioner to assume child welfare responsibilities for American Indian children of that tribe under this section, the affected county social service agency is relieved of responsibility for responding to reports of abuse and neglect under section 626.556 for those children during the time within which the tribal project is in effect and funded. The commissioner shall work with tribes and affected counties to develop procedures for data collection, evaluation, and clarification of ongoing role and financial responsibilities of the county and tribe for child welfare services prior to initiation of the project. Children who have not been identified by the tribe as participating in the project shall remain the responsibility of the county. Nothing in this section shall alter responsibilities of the county for law enforcement or court services.

(f) Participating tribes may conduct children's mental health screenings under section 245.4874, subdivision 1, paragraph (a), clause (14), for children who are eligible for the initiative and living on the reservation and who meet one of the following criteria:

(1) the child must be receiving child protective services;

(2) the child must be in foster care; or

(3) the child's parents must have had parental rights suspended or terminated.

Tribes may access reimbursement from available state funds for conducting the screenings. Nothing in this section shall alter responsibilities of the county for providing services under section 245.487.

(g) Participating tribes may establish a local child mortality review panel. In establishing a local child mortality review panel, the tribe agrees to conduct local child mortality reviews for child deaths or near-fatalities occurring on the reservation under section 256.01, subdivision 12. Tribes with established child mortality review panels shall have access to nonpublic data and shall protect nonpublic data under section 256.01, subdivision 12, paragraphs (c) to (e). The tribe shall provide written notice to the commissioner and affected counties when a local child mortality review panel has been established and shall provide data upon request of the commissioner for purposes of sharing nonpublic data with members of the state child mortality review panel in connection to an individual case.

⊕ (h) The commissioner shall collect information on outcomes relating to child safety, permanency, and well-being of American Indian children who are served in the projects. Participating tribes must provide information to the state in a format and completeness deemed acceptable by the state to meet state and federal reporting requirements.

Sec. 3. Minnesota Statutes 2008, section 259.52, subdivision 2, is amended to read:

Subd. 2. **Requirement to search registry before adoption petition can be granted; proof of search.** No petition for adoption may be granted unless the agency supervising the adoptive placement, the birth mother of the child, or, in the case of a stepparent or relative adoption, the county agency responsible for the report required under section 259.53, subdivision 1, requests that the commissioner of health search the registry to determine whether a putative father is registered in relation to a child who is or may be the subject of an adoption petition. The search required by this subdivision must be conducted no sooner than 31 days following the birth of the child. A search of the registry may be proven by the production of a certified copy of the registration form or by a certified statement of the commissioner of health that after a search no registration of a putative father in relation to a child who is or may be the subject of an adoption petition could be located. The filing of a certified copy of an order from a juvenile protection matter under chapter 260C containing a finding that certification of the requisite search of the Minnesota fathers' adoption registry was filed with the court in that matter shall also constitute proof of search. Certification that the fathers' adoption registry has been searched must be filed with the court prior to entry of any

final order of adoption. In addition to the search required by this subdivision, the agency supervising the adoptive placement, the birth mother of the child, or, in the case of a stepparent or relative adoption, the social services agency responsible for the report under section 259.53, subdivision 1, or the responsible social services agency that is a petitioner in a juvenile protection matter under chapter 260C may request that the commissioner of health search the registry at any time. Search requirements of this section do not apply when the responsible social services agency is proceeding under Safe Place for Newborns, section 260C.217.

Sec. 4. Minnesota Statutes 2008, section 259.52, subdivision 6, is amended to read:

Subd. 6. **Who may register.** Any putative father may register with the fathers' adoption registry. ~~However,~~ Any limitation on a putative father's right to assert an interest in the child as provided in this section applies only in adoption proceedings, termination of parental rights proceedings under chapter 260C, and only to those putative fathers not entitled to notice and consent under sections 259.24 and 259.49, subdivision 1, paragraph (a) or (b), clauses (1) to (7).

Sec. 5. Minnesota Statutes 2008, section 260.012, is amended to read:

260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY REUNIFICATION; REASONABLE EFFORTS.

(a) Once a child alleged to be in need of protection or services is under the court's jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate services, by the social services agency are made to prevent placement or to eliminate the need for removal and to reunite the child with the child's family at the earliest possible time, and the court must ensure that the responsible social services agency makes reasonable efforts to finalize an alternative permanent plan for the child as provided in paragraph (e). In determining reasonable efforts to be made with respect to a child and in making those reasonable efforts, the child's best interests, health, and safety must be of paramount concern. Reasonable efforts to prevent placement and for rehabilitation and reunification are always required except upon a determination by the court that a petition has been filed stating a prima facie case that:

(1) the parent has subjected a child to egregious harm as defined in section 260C.007, subdivision 14;

(2) the parental rights of the parent to another child have been terminated involuntarily;

(3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph (a), clause (2);

(4) the parent's custodial rights to another child have been involuntarily transferred to a relative under section 260C.201, subdivision 11, paragraph (e), clause (1), or a similar law of another jurisdiction; or

(5) the provision of services or further services for the purpose of reunification is futile and therefore unreasonable under the circumstances.

(b) When the court makes one of the prima facie determinations under paragraph (a), either permanency pleadings under section 260C.201, subdivision 11, or a termination of parental rights petition under sections 260C.141 and 260C.301 must be filed. A permanency hearing under section 260C.201, subdivision 11, must be held within 30 days of this determination.

(c) In the case of an Indian child, in proceedings under sections 260B.178 or 260C.178, 260C.201, and 260C.301 the juvenile court must make findings and conclusions consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901 et seq., as to the provision of active efforts. In cases governed by the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, the responsible social services agency must provide active efforts as required under United States Code, title 25, section 1911(d).

(d) "Reasonable efforts to prevent placement" means:

(1) the agency has made reasonable efforts to prevent the placement of the child in foster care by working with the family to develop and implement a safety plan; or

(2) given the particular circumstances of the child and family at the time of the child's removal, there are no services or efforts available which could allow the child to safely remain in the home.

(e) "Reasonable efforts to finalize a permanent plan for the child" means due diligence by the responsible social services agency to:

(1) reunify the child with the parent or guardian from whom the child was removed;

(2) assess a noncustodial parent's ability to provide day-to-day care for the child and, where appropriate, provide services necessary to enable the noncustodial parent to safely provide the care, as required by section 260C.212, subdivision 4;

(3) conduct a relative search to identify and provide notice to adult relatives as required under section 260C.212, subdivision 5; ~~and~~

(4) place siblings removed from their home in the same home for foster care, adoption, or transfer permanent legal and physical custody to a relative. Visitation between siblings who are not in the same foster care, adoption, or custodial placement or facility shall be consistent with section 260C.212, subdivision 2; and

~~(4)~~ (5) when the child cannot return to the parent or guardian from whom the child was removed, to plan for and finalize a safe and legally permanent alternative home for the child, and considers permanent alternative homes for the child inside or outside of the state, preferably through adoption or transfer of permanent legal and physical custody of the child.

(f) Reasonable efforts are made upon the exercise of due diligence by the responsible social services agency to use culturally appropriate and available services to meet the needs of the child and the child's family. Services may include those provided by the responsible social services agency and other culturally appropriate services available in the community. At each stage of the proceedings where the court is required to review the appropriateness of the responsible social services agency's reasonable efforts as described in paragraphs (a), (d), and (e), the social services agency has the burden of demonstrating that:

(1) it has made reasonable efforts to prevent placement of the child in foster care;

(2) it has made reasonable efforts to eliminate the need for removal of the child from the child's home and to reunify the child with the child's family at the earliest possible time;

(3) it has made reasonable efforts to finalize an alternative permanent home for the child, and considers permanent alternative homes for the child inside or outside of the state; or

(4) reasonable efforts to prevent placement and to reunify the child with the parent or guardian are not required. The agency may meet this burden by stating facts in a sworn petition filed under section 260C.141, by filing an affidavit summarizing the agency's reasonable efforts or facts the agency believes demonstrate there is no need for reasonable efforts to reunify the parent and child, or through testimony or a certified report required under juvenile court rules.

(g) Once the court determines that reasonable efforts for reunification are not required because the court has made one of the prima facie determinations under paragraph (a), the court may only require reasonable efforts for reunification after a hearing according to section 260C.163, where the court finds there is not clear and convincing

evidence of the facts upon which the court based its prima facie determination. In this case when there is clear and convincing evidence that the child is in need of protection or services, the court may find the child in need of protection or services and order any of the dispositions available under section 260C.201, subdivision 1. Reunification of a surviving child with a parent is not required if the parent has been convicted of:

(1) a violation of, or an attempt or conspiracy to commit a violation of, sections 609.185 to 609.20; 609.222, subdivision 2; or 609.223 in regard to another child of the parent;

(2) a violation of section 609.222, subdivision 2; or 609.223, in regard to the surviving child; or

(3) a violation of, or an attempt or conspiracy to commit a violation of, United States Code, title 18, section 1111(a) or 1112(a), in regard to another child of the parent.

(h) The juvenile court, in proceedings under sections 260B.178 or 260C.178, 260C.201, and 260C.301 shall make findings and conclusions as to the provision of reasonable efforts. When determining whether reasonable efforts have been made, the court shall consider whether services to the child and family were:

(1) relevant to the safety and protection of the child;

(2) adequate to meet the needs of the child and family;

(3) culturally appropriate;

(4) available and accessible;

(5) consistent and timely; and

(6) realistic under the circumstances.

In the alternative, the court may determine that provision of services or further services for the purpose of rehabilitation is futile and therefore unreasonable under the circumstances or that reasonable efforts are not required as provided in paragraph (a).

(i) This section does not prevent out-of-home placement for treatment of a child with a mental disability when it is determined to be medically necessary as a result of the child's diagnostic assessment or individual treatment plan indicates that appropriate and necessary treatment cannot be effectively provided outside of a residential or inpatient treatment program and the level or intensity of supervision and treatment cannot be effectively and safely provided in the child's home or community and it is determined that a residential treatment setting is the least restrictive setting that is appropriate to the needs of the child.

(j) If continuation of reasonable efforts to prevent placement or reunify the child with the parent or guardian from whom the child was removed is determined by the court to be inconsistent with the permanent plan for the child or upon the court making one of the prima facie determinations under paragraph (a), reasonable efforts must be made to place the child in a timely manner in a safe and permanent home and to complete whatever steps are necessary to legally finalize the permanent placement of the child.

(k) Reasonable efforts to place a child for adoption or in another permanent placement may be made concurrently with reasonable efforts to prevent placement or to reunify the child with the parent or guardian from whom the child was removed. When the responsible social services agency decides to concurrently make reasonable efforts for both reunification and permanent placement away from the parent under paragraph (a), the agency shall disclose its decision and both plans for concurrent reasonable efforts to all parties and the court. When the agency discloses its decision to proceed on both plans for reunification and permanent placement away from the parent, the court's review of the agency's reasonable efforts shall include the agency's efforts under both plans.

Sec. 6. Minnesota Statutes 2008, section 260B.007, subdivision 7, is amended to read:

Subd. 7. **Foster care.** ~~"Foster care" means the 24-hour a day care of a child in any facility which for gain or otherwise regularly provides one or more children, when unaccompanied by their parents, with a substitute for the care, food, lodging, training, education, supervision or treatment they need but which for any reason cannot be furnished by their parents or legal guardians in their homes.~~ "Foster care" means 24-hour substitute care for children placed away from their parents or guardian and for whom a responsible social services agency has placement and care responsibility. Foster care includes, but is not limited to, placement in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities not excluded in this subdivision, child care institutions, and preadoptive homes. A child is in foster care under this definition regardless of whether the facility is licensed and payments are made for the cost of care. Nothing in this definition creates any authority to place a child in a home or facility that is required to be licensed which is not licensed. Foster care does not include placement in any of the following facilities: hospitals, inpatient chemical dependency treatment facilities, facilities that are primarily for delinquent children, any corrections facility or program within a particular corrections facility not meeting requirements for Title IV-E facilities as determined by the commissioner, facilities to which a child is committed under the provision of chapter 253B, forestry camps, or jails. Foster care is intended to provide for a child's safety or to access treatment. Foster care must not be used as a punishment or consequence for a child's behavior.

Sec. 7. Minnesota Statutes 2008, section 260B.157, subdivision 3, is amended to read:

Subd. 3. **Juvenile treatment screening team.** (a) The local social services agency shall establish a juvenile treatment screening team to conduct screenings and prepare case plans under this subdivision. The team, which may be the team constituted under section 245.4885 or 256B.092 or Minnesota Rules, parts 9530.6600 to 9530.6655, shall consist of social workers, juvenile justice professionals, and persons with expertise in the treatment of juveniles who are emotionally disabled, chemically dependent, or have a developmental disability. The team shall involve parents or guardians in the screening process as appropriate. The team may be the same team as defined in section 260C.157, subdivision 3.

(b) If the court, prior to, or as part of, a final disposition, proposes to place a child:

(1) for the primary purpose of treatment for an emotional disturbance, and residential placement is consistent with section 260.012, a developmental disability, or chemical dependency in a residential treatment facility out of state or in one which is within the state and licensed by the commissioner of human services under chapter 245A; or

(2) in any out-of-home setting potentially exceeding 30 days in duration, including a ~~postdispositional~~ post-dispositional placement in a facility licensed by the commissioner of corrections or human services, the court shall notify the county welfare agency. The county's juvenile treatment screening team must either:

(i) screen and evaluate the child and file its recommendations with the court within 14 days of receipt of the notice; or

(ii) elect not to screen a given case, and notify the court of that decision within three working days.

(c) If the screening team has elected to screen and evaluate the child, the child may not be placed for the primary purpose of treatment for an emotional disturbance, a developmental disability, or chemical dependency, in a residential treatment facility out of state nor in a residential treatment facility within the state that is licensed under chapter 245A, unless one of the following conditions applies:

(1) a treatment professional certifies that an emergency requires the placement of the child in a facility within the state;

(2) the screening team has evaluated the child and recommended that a residential placement is necessary to meet the child's treatment needs and the safety needs of the community, that it is a cost-effective means of meeting the treatment needs, and that it will be of therapeutic value to the child; or

(3) the court, having reviewed a screening team recommendation against placement, determines to the contrary that a residential placement is necessary. The court shall state the reasons for its determination in writing, on the record, and shall respond specifically to the findings and recommendation of the screening team in explaining why the recommendation was rejected. The attorney representing the child and the prosecuting attorney shall be afforded an opportunity to be heard on the matter.

Sec. 8. Minnesota Statutes 2008, section 260B.198, subdivision 1, is amended to read:

Subdivision 1. **Court order, findings, remedies, treatment.** If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

- (1) counsel the child or the parents, guardian, or custodian;
- (2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court including reasonable rules for the child's conduct and the conduct of the child's parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;
- (3) if the court determines that the child is a danger to self or others, subject to the supervision of the court, transfer legal custody of the child to one of the following:
 - (i) a child-placing agency; or
 - (ii) the local social services agency; or
 - (iii) a reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential facility pursuant to sections 245A.01 to 245A.16; or
 - (iv) a county home school, if the county maintains a home school or enters into an agreement with a county home school; or
 - (v) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;
- (4) transfer legal custody by commitment to the commissioner of corrections;
- (5) if the child is found to have violated a state or local law or ordinance which has resulted in damage to the person or property of another, the court may order the child to make reasonable restitution for such damage;
- (6) require the child to pay a fine of up to \$1,000. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;
- (7) if the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

(8) if the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be canceled until the child's 18th birthday, the court may recommend to the commissioner of public safety the cancellation of the child's license for any period up to the child's 18th birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize;

(9) if the court believes that it is in the best interest of the child and of public safety that the child is enrolled in school, the court may require the child to remain enrolled in a public school until the child reaches the age of 18 or completes all requirements needed to graduate from high school. Any child enrolled in a public school under this clause is subject to the provisions of the Pupil Fair Dismissal Act in chapter 127;

(10) if the child is petitioned and found by the court to have committed a controlled substance offense under sections 152.021 to 152.027, the court shall determine whether the child unlawfully possessed or sold the controlled substance while driving a motor vehicle. If so, the court shall notify the commissioner of public safety of its determination and order the commissioner to revoke the child's driver's license for the applicable time period specified in section 152.0271. If the child does not have a driver's license or if the child's driver's license is suspended or revoked at the time of the delinquency finding, the commissioner shall, upon the child's application for driver's license issuance or reinstatement, delay the issuance or reinstatement of the child's driver's license for the applicable time period specified in section 152.0271. Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing;

(11) if the child is petitioned and found by the court to have committed or attempted to commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency petition based on one or more of those sections, the court shall order an independent professional assessment of the child's need for sex offender treatment. An assessor providing an assessment for the court must be experienced in the evaluation and treatment of juvenile sex offenders. If the assessment indicates that the child is in need of and amenable to sex offender treatment, the court shall include in its disposition order a requirement that the child undergo treatment. Notwithstanding sections 13.384, 13.85, 144.291 to 144.298, 260B.171, or 626.556, the assessor has access to the following private or confidential data on the child if access is relevant and necessary for the assessment:

- (i) medical data under section 13.384;
- (ii) corrections and detention data under section 13.85;
- (iii) health records under sections 144.291 to 144.298;
- (iv) juvenile court records under section 260B.171; and
- (v) local welfare agency records under section 626.556.

Data disclosed under this clause may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law;

(12) if the child is found delinquent due to the commission of an offense that would be a felony if committed by an adult, the court shall make a specific finding on the record regarding the juvenile's mental health and chemical dependency treatment needs;

(13) any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered and shall also set forth in writing the following information:

(i) why the best interests of the child are served by the disposition ordered; and

(ii) what alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

Sec. 9. Minnesota Statutes 2008, section 260C.007, subdivision 18, is amended to read:

Subd. 18. **Foster care.** "Foster care" means 24 hour substitute care for children placed away from their parents or guardian and for whom a responsible social services agency has placement and care responsibility. "Foster care" includes, but is not limited to, placement in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities not excluded in this subdivision, child care institutions, and preadoptive homes. A child is in foster care under this definition regardless of whether the facility is licensed and payments are made for the cost of care. Nothing in this definition creates any authority to place a child in a home or facility that is required to be licensed which is not licensed. "Foster care" does not include placement in any of the following facilities: hospitals, inpatient chemical dependency treatment facilities, facilities that are primarily for delinquent children, any corrections facility or program within a particular correction's facility not meeting requirements for Title IV-E facilities as determined by the commissioner, facilities to which a child is committed under the provision of chapter 253B, forestry camps, or jails. Foster care is intended to provide for a child's safety or to access treatment. Foster care must not be used as a punishment or consequence for a child's behavior.

Sec. 10. Minnesota Statutes 2008, section 260C.007, subdivision 25, is amended to read:

Subd. 25. **Parent.** "Parent" means ~~the birth or adoptive parent of a minor; a person who has a legal parent and child relationship with a child under section 257.52 which confers or imposes on the person legal rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship. For an Indian child matters governed by the Indian Child Welfare Act, parent includes any Indian person who has adopted a child by tribal law or custom, as provided in section 260.755, subdivision 14. For matters governed by the Indian Child Welfare Act, parent does not include the unwed father where paternity has not been acknowledged or established. Parent does not mean a putative father of a child unless the putative father also meets the requirements of section 257.55 or unless the putative father is entitled to notice under section 259.49, subdivision 1.~~

Sec. 11. **[260C.150] DILIGENT EFFORTS TO IDENTIFY PARENTS OF A CHILD; PROCEDURES FOR REVIEW; REASONABLE EFFORTS.**

Subdivision 1. **Determining parentage.** A parent and child relationship may be established under this chapter according to the requirements of section 257.54 and the Minnesota Rules of Juvenile Protection Procedure.

Subd. 2. **Genetic test results; duty to cooperate.** (a) For purposes of proceedings under this chapter, a positive test result under section 257.62, subdivision 5, shall be used by the court to treat a person determined to be the biological father of a child by a positive test as if the individual were a presumed father under section 257.55, including giving the biological father the right to notice of proceedings and the right to be assessed and considered for day-to-day care of his child under section 260C.212, subdivision 4.

(b) Nothing in this subdivision relieves a person determined to be the biological father of the child by a positive test from the duty to cooperate with paternity establishment proceedings under section 260C.212, subdivision 4.

Subd. 3. **Identifying parents of child; diligent efforts; data.** (a) The responsible social services agency shall make diligent efforts to identify and locate both parents of any child who is the subject of proceedings under this chapter. Diligent efforts include:

(1) asking the custodial or known parent to identify any nonresident parent of the child and provide information that can be used to verify the nonresident parent's identity including the dates and locations of marriages and divorces, dates and locations of any legal proceedings regarding paternity, date and place of the child's birth,

nonresident parent's full legal name, nonresident parent's date of birth, if the nonresident parent's date of birth is unknown, an approximate age, the nonresident parent's Social Security number, the nonresident parent's whereabouts including last known whereabouts, and the whereabouts of relatives of the nonresident parent. For purposes of this subdivision, "nonresident parent" means a parent who does not reside in the same household as the child or did not reside in the same household as the child at the time the child was removed when the child is in foster care;

(2) obtaining information that will identify and locate the nonresident parent from the county and state of Minnesota child support enforcement information system;

(3) requesting a search of the Minnesota Fathers' Adoption Registry 30 days after the child's birth; and

(4) using any other reasonable means to identify and locate the nonresident parent.

(b) The agency may disclose data which is otherwise private under section 13.46 or 626.556 in order to carry out its duties under this subdivision.

Subd. 4. **Court inquiry regarding identities of both parents.** At the first hearing regarding the petition and at any subsequent hearings, as appropriate, the court shall inquire of the parties whether the identities and whereabouts of both parents of the child are known and correctly reflected in the petition filed with the court. If either the identity or whereabouts of both parents is not known, the court shall make inquiry on the record of any party or participant present regarding the identity and whereabouts of the unknown parent of the child.

Subd. 5. **Sworn testimony from known parent.** When the county attorney requests, the court shall have the custodial or known parent of the child sworn for the purpose of answering questions relevant to the identity of a child's other parent in any proceeding under this chapter. The county attorney may request this information at any point in the proceedings if the custodial or known parent has not been cooperative in providing information to identify and locate the nonresident parent or information that may lead to identifying and locating the nonresident parent. If the child's custodial or known parent testifies that disclosure of identifying information regarding the identity of the nonresident parent would cause either the custodial or known parent, the child, or another family member to be endangered, the court may make a protective order regarding any information necessary to protect the custodial or known parent, the child, or family member. Consistent with section 260C.212, subdivision 4, paragraph (a), clause (4), if the child remains in the care of the known or custodial parent and the court finds it in the child's best interests, the court may waive notice to the nonresident parent of the child if such notice would endanger the known or custodial parent, the child, or another family member.

Subd. 6. **Court review of diligent efforts and service.** As soon as possible, but not later than the first review hearing required under the Minnesota Rules of Juvenile Protection Procedure, unless the responsible social services agency has identified and located both parents of the child, the agency shall include in its report to the court required under the Minnesota Rules of Juvenile Protection Procedure a description of its diligent efforts to locate any parent who remains unknown or who the agency has been unable to locate. The court shall determine whether (1) diligent efforts have been made by the agency to identify both parents of the child, (2) both parents have been located, and (3) both parents have been served with the summons or notice of the proceedings required by section 260C.151 or 260C.152 and the Minnesota Rules of Juvenile Protection Procedure. If the court determines the agency has not made diligent efforts to locate both parents of the child or if both parents of the child have not been served as required by the rules, the court shall order the agency to take further steps to identify and locate both parents of the child identifying what further specific efforts are appropriate. If the summons has not been served on the parent as required by section 260C.151, subdivision 1, the court shall order further efforts to complete service.

Subd. 7. **Reasonable efforts findings.** When the court finds the agency has made diligent efforts to identify and locate both parents of the child and one or both parents remain unknown or cannot be located, the court may find that the agency has made reasonable efforts under sections 260.012, 260C.178, 260C.201, and 260C.301, subdivision 8, regarding any parent who remains unknown or cannot be located. The court may also find that further reasonable efforts for reunification with the parent who cannot be identified or located would be futile.

Subd. 8. **Safe place for newborns.** Neither the requirements of this subdivision nor the search requirements of section 259.52, subdivision 2, apply when the agency is proceeding under section 260C.217. When the agency is proceeding under section 260C.217, the agency has no duty to identify and locate either parent of the newborn and no notice or service of summons on either parent is required under section 260C.151 or 260C.152 or the Minnesota Rules of Juvenile Protection Procedure.

Sec. 12. Minnesota Statutes 2008, section 260C.151, subdivision 1, is amended to read:

Subdivision 1. **Issuance of summons.** After a petition has been filed and unless the parties hereinafter named voluntarily appear, the court shall set a time for a hearing and shall issue a summons requiring the child's parents or legal guardian and any person who has legal custody or control of the child to appear with the child before the court at a time and place stated. The summons shall have a copy of the petition attached, and shall advise the parties of the right to counsel and of the consequences of failure to obey the summons. The court shall give docket priority to any child in need of protection or services or neglected and in foster care, that contains allegations of child abuse over any other case. As used in this subdivision, "child abuse" has the meaning given it in section 630.36, subdivision 2.

Sec. 13. Minnesota Statutes 2008, section 260C.151, subdivision 2, is amended to read:

Subd. 2. **Notice; child in need of protection or services.** After a petition has been filed alleging a child to be in need of protection or services and unless the persons named in ~~clauses~~ clause (1) to (4) or (2) voluntarily appear ~~or are summoned according to subdivision 1~~ appears, the court shall issue a notice to:

~~(1) an adjudicated or presumed father of the child;~~

~~(2) an alleged~~ (1) a putative father of the child, including any putative father who has timely registered with the Minnesota Fathers' Adoption Registry under section 259.52; and

~~(3) a noncustodial mother; and~~

~~(4)~~ (2) a grandparent with the right to participate under section 260C.163, subdivision 2.

Sec. 14. Minnesota Statutes 2008, section 260C.151, is amended by adding a subdivision to read:

Subd. 2a. **Notice; termination of parental rights or permanency proceeding.** (a) After a petition for termination of parental rights or petition for permanent placement of a child away from a parent under section 260C.201, subdivision 11, has been filed, the court shall set a time for the admit or deny hearing as required under the Minnesota Rules of Juvenile Protection Procedure and shall issue a summons requiring the parents of the child to appear before the court at the time and place stated. The court shall issue a notice to:

(1) a putative father who has timely registered with the Minnesota Fathers' Adoption Registry and who is entitled to notice of an adoption proceeding under section 259.49, subdivision 1; and

(2) a grandparent with the right to participate under section 260C.163, subdivision 2.

(b) Neither summons nor notice under this section or section 260C.152 of a termination of parental rights matter or other permanent placement matter under section 260C.201, subdivision 11, is required to be given to a putative father who has failed to timely register with the Minnesota Father's Adoption Registry under section 259.52 unless that individual also meets the requirements of section 257.55 or, is required to be given notice under section 259.49, subdivision 1. When a putative father is not entitled to notice under this clause and is therefore not given notice, any order terminating his rights does not give rise to a presumption of parental unfitness under section 260C.301, subdivision 1, paragraph (b), clause (4).

Sec. 15. Minnesota Statutes 2008, section 260C.151, subdivision 3, is amended to read:

Subd. 3. **Notice of pendency of case.** Notice means written notice as provided in the Minnesota Rules of Juvenile Protection Procedure. The court shall have notice of the pendency of the case and of the time and place of the hearing served ~~upon a parent, guardian, or spouse of the child, who has not been summoned as provided in subdivision 1 as required by subdivision 2.~~ For an Indian child, notice of all proceedings must comply with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq., and section 260.765.

Sec. 16. Minnesota Statutes 2008, section 260C.163, is amended by adding a subdivision to read:

Subd. 12. **Alternative dispute resolution authorized; family group decision making, parallel protection process and mediation.** The court may authorize parties and participants in any child in need of protection or services, permanency, or termination of parental rights petition to participate in any appropriate form of alternative dispute resolution including family group decision making, parallel protection process, and mediation when such alternative dispute resolution is in the best interests of the child. The court may order that a child be included in the alternative dispute resolution process, as appropriate and in the best interests of the child. An alternative dispute resolution process, including family group decision making, parallel protection process, and mediation, may be used to resolve part or all of a matter before the court at any point in the proceedings subject to approval by the court that the resolution is in the best interests of the child.

Sec. 17. Minnesota Statutes 2008, section 260C.175, subdivision 1, is amended to read:

Subdivision 1. **Immediate custody.** No child may be taken into immediate custody except:

(1) with an order issued by the court in accordance with the provisions of section 260C.151, subdivision 6, or Laws 1997, chapter 239, article 10, section 10, paragraph (a), clause (3), or 12, paragraph (a), clause (3), or by a warrant issued in accordance with the provisions of section 260C.154;

(2) by a peace officer:

(i) when a child has run away from a parent, guardian, or custodian, or when the peace officer reasonably believes the child has run away from a parent, guardian, or custodian, but only for the purpose of transporting the child home, to the home of a relative, or to another safe place; or

(ii) when a child is found in surroundings or conditions which endanger the child's health or welfare or which such peace officer reasonably believes will endanger the child's health or welfare. If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, the taking of the child into custody under this clause shall be consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1922;

(3) by a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision; or

(4) by a peace officer or probation officer under section 260C.143, subdivision 1 or 4.

Sec. 18. Minnesota Statutes 2008, section 260C.176, subdivision 1, is amended to read:

Subdivision 1. **Notice; release.** If a child is taken into custody as provided in section 260C.175, the parent, guardian, or custodian of the child shall be notified as soon as possible. Unless there is reason to believe that the child would endanger self or others, not return for a court hearing, ~~run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released,~~ or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a

parent, guardian, ~~custodian~~, or other suitable ~~person~~ relative. When a child is taken into custody by a peace officer under section 260C.175, subdivision 1, clause (2), item (ii), release from detention may be authorized by the detaining officer, the detaining officer's supervisor, ~~or the county attorney, or the social services agency, provided that the agency has conducted an assessment and with the family has developed and implemented a safety plan for the child, if needed.~~ ~~If the social services agency has determined that the child's health or welfare will not be endangered and the provision of appropriate and available services will eliminate the need for placement, the agency shall request authorization for the child's release from detention.~~ The person to whom the child is released shall promise to bring the child to the court, if necessary, at the time the court may direct. If the person taking the child into custody believes it desirable, that person may request the parent, guardian, custodian, or other person designated by the court to sign a written promise to bring the child to court as provided above. The intentional violation of such a promise, whether given orally or in writing, shall be punishable as contempt of court.

The court may require the parent, guardian, custodian, or other person to whom the child is released, to post any reasonable bail or bond required by the court which shall be forfeited to the court if the child does not appear as directed. The court may also release the child on the child's own promise to appear in juvenile court.

Sec. 19. Minnesota Statutes 2008, section 260C.178, subdivision 1, is amended to read:

Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall hold a hearing within 72 hours of the time the child was taken into custody, excluding Saturdays, Sundays, and holidays, to determine whether the child should continue in custody.

(b) Unless there is reason to believe that the child would endanger self or others, not return for a court hearing, ~~run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released,~~ or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian, custodian, or other suitable person, subject to reasonable conditions of release including, but not limited to, a requirement that the child undergo a chemical use assessment as provided in section 260C.157, subdivision 1.

(c) If the court determines there is reason to believe that the child would endanger self or others; not return for a court hearing; ~~run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released;~~ or that the child's health or welfare would be immediately endangered if returned to the care of the parent or guardian who has custody and from whom the child was removed, the court shall order the child into foster care under the legal responsibility of the responsible social services agency or responsible probation or corrections agency for the purposes of protective care as that term is used in the juvenile court rules or into the home of a noncustodial parent and order the noncustodial parent to comply with any conditions the court determines to be appropriate to the safety and care of the child, including cooperating with paternity establishment proceedings in the case of a man who has not been adjudicated the child's father. The court shall not give the responsible social services legal custody and order a trial home visit at any time prior to adjudication and disposition under section 260C.201, subdivision 1, paragraph (a), clause (3), but may order the child returned to the care of the parent or guardian who has custody and from whom the child was removed and order the parent or guardian to comply with any conditions the court determines to be appropriate to meet the safety, health, and welfare of the child.

(d) In determining whether the child's health or welfare would be immediately endangered, the court shall consider whether the child would reside with a perpetrator of domestic child abuse.

(e) The court, before determining whether a child should be placed in or continue in foster care under the protective care of the responsible agency, shall also make a determination, consistent with section 260.012 as to whether reasonable efforts were made to prevent placement or whether reasonable efforts to prevent placement are not required. In the case of an Indian child, the court shall determine whether active efforts, according to the Indian

Child Welfare Act of 1978, United States Code, title 25, section 1912(d), were made to prevent placement. The court shall enter a finding that the responsible social services agency has made reasonable efforts to prevent placement when the agency establishes either:

(1) that it has actually provided services or made efforts in an attempt to prevent the child's removal but that such services or efforts have not proven sufficient to permit the child to safely remain in the home; or

(2) that there are no services or other efforts that could be made at the time of the hearing that could safely permit the child to remain home or to return home. When reasonable efforts to prevent placement are required and there are services or other efforts that could be ordered which would permit the child to safely return home, the court shall order the child returned to the care of the parent or guardian and the services or efforts put in place to ensure the child's safety. When the court makes a prima facie determination that one of the circumstances under paragraph (g) exists, the court shall determine that reasonable efforts to prevent placement and to return the child to the care of the parent or guardian are not required.

If the court finds the social services agency's preventive or reunification efforts have not been reasonable but further preventive or reunification efforts could not permit the child to safely remain at home, the court may nevertheless authorize or continue the removal of the child.

(f) The court may not order or continue the foster care placement of the child unless the court makes explicit, individualized findings that continued custody of the child by the parent or guardian would be contrary to the welfare of the child and that placement is in the best interest of the child.

(g) At the emergency removal hearing, or at any time during the course of the proceeding, and upon notice and request of the county attorney, the court shall determine whether a petition has been filed stating a prima facie case that:

(1) the parent has subjected a child to egregious harm as defined in section 260C.007, subdivision 14;

(2) the parental rights of the parent to another child have been involuntarily terminated;

(3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph (a), clause (2);

(4) the parents' custodial rights to another child have been involuntarily transferred to a relative under section 260C.201, subdivision 11, paragraph (e), clause (1), or a similar law of another jurisdiction; or

(5) the provision of services or further services for the purpose of reunification is futile and therefore unreasonable.

(h) When a petition to terminate parental rights is required under section 260C.301, subdivision 3 or 4, but the county attorney has determined not to proceed with a termination of parental rights petition, and has instead filed a petition to transfer permanent legal and physical custody to a relative under section 260C.201, subdivision 11, the court shall schedule a permanency hearing within 30 days of the filing of the petition.

(i) If the county attorney has filed a petition under section 260C.307, the court shall schedule a trial under section 260C.163 within 90 days of the filing of the petition except when the county attorney determines that the criminal case shall proceed to trial first under section 260C.201, subdivision 3.

(j) If the court determines the child should be ordered into foster care and the child's parent refuses to give information to the responsible social services agency regarding the child's father or relatives of the child, the court may order the parent to disclose the names, addresses, telephone numbers, and other identifying information to the responsible social services agency for the purpose of complying with the requirements of sections 260C.151, 260C.212, and 260C.215.

(k) If a child ordered into foster care has siblings, whether full, half, or step, who are also ordered into foster care, the court shall inquire of the responsible social services agency of the efforts to place the children together as required by section 260C.212, subdivision 2, paragraph (d), if placement together is in each child's best interests, unless a child is in placement ~~due solely to the child's own behavior for treatment~~ or a child is placed with a previously noncustodial parent who is not parent to all siblings. If the children are not placed together at the time of the hearing, the court shall inquire at each subsequent hearing of the agency's reasonable efforts to place the siblings together, as required under section 260.012. If any sibling is not placed with another sibling or siblings, the agency must develop a plan ~~for~~ to facilitate visitation or ongoing contact among the siblings as required under section 260C.212, subdivision 1, unless it is contrary to the safety or well-being of any of the siblings to do so.

Sec. 20. Minnesota Statutes 2008, section 260C.178, subdivision 3, is amended to read:

Subd. 3. **Parental visitation.** (a) If a child has been taken into custody under section 260C.151, subdivision 5, or 260C.175, subdivision 1, clause (2), item (ii), and the court determines that the child should continue in foster care, the court shall include in its order ~~reasonable rules for supervised or unsupervised~~ notice that the responsible social services agency has a duty to develop and implement a plan for parental visitation of and contact with the child in the foster care facility that promotes the parent and child relationship unless ~~it~~ the court finds that visitation would endanger the child's physical or emotional well-being.

(b) Unless the court finds that visitation would endanger the child's physical or emotional well-being or unless paragraph (c) or (d) apply, the plan for parental visitation required under section 260C.212, subdivision 1, paragraph (c), clause (5), must be developed and implemented by the agency and the child's parents as soon as possible after the court's order for the child to continue in foster care.

(c) When a parent has had no or only limited visitation or contact with the child prior to the court order for the child to continue in foster care, the court shall not order a visitation plan developed and implemented until the agency has conducted the assessment of the parent's ability to provide day-to-day care for the child required under section 260C.212, subdivision 4.

(d) When it is in the best interests of the child, the agency may ask the court to defer its duty to develop a visitation plan between a putative father and the child until the paternity status of the child's father is adjudicated or until there is a positive test result under section 257.62, subdivision 5.

(e) The visitation plan developed under this subdivision is the same visitation plan required under section 260C.212, subdivision 1, paragraph (c), clause (5).

Sec. 21. Minnesota Statutes 2008, section 260C.201, subdivision 1, is amended to read:

Subdivision 1. **Dispositions.** (a) If the court finds that the child is in need of protection or services or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(1) place the child under the protective supervision of the responsible social services agency or child-placing agency in the home of a parent of the child under conditions prescribed by the court directed to the correction of the child's need for protection or services:

(i) the court may order the child into the home of a parent who does not otherwise have legal custody of the child, however, an order under this section does not confer legal custody on that parent;

(ii) if the court orders the child into the home of a father who is not adjudicated, he must cooperate with paternity establishment proceedings regarding the child in the appropriate jurisdiction as one of the conditions prescribed by the court for the child to continue in his home; and

(iii) the court may order the child into the home of a noncustodial parent with conditions and may also order both the noncustodial and the custodial parent to comply with the requirements of a case plan under subdivision 2; or

(2) transfer legal custody to one of the following:

(i) a child-placing agency; or

(ii) the responsible social services agency. In making a foster care placement for a child whose custody has been transferred under this subdivision, the agency shall make an individualized determination of how the placement is in the child's best interests using the consideration for relatives and the best interest factors in section 260C.212, subdivision 2, paragraph (b); or

(3) order a trial home visit without modifying the transfer of legal custody to the responsible social services agency under clause (2). Trial home visit means the child is returned to the care of the parent or guardian from whom the child was removed for a period not to exceed six months. During the period of the trial home visit, the responsible social services agency:

(i) shall continue to have legal custody of the child, which means the agency may see the child in the parent's home, at school, in a child care facility, or other setting as the agency deems necessary and appropriate;

(ii) shall continue to have the ability to access information under section 260C.208;

(iii) shall continue to provide appropriate services to both the parent and the child during the period of the trial home visit;

(iv) without previous court order or authorization, may terminate the trial home visit in order to protect the child's health, safety, or welfare and may remove the child to foster care;

(v) shall advise the court and parties within three days of the termination of the trial home visit when a visit is terminated by the responsible social services agency without a court order; and

(vi) shall prepare a report for the court when the trial home visit is terminated whether by the agency or court order which describes the child's circumstances during the trial home visit and recommends appropriate orders, if any, for the court to enter to provide for the child's safety and stability. In the event a trial home visit is terminated by the agency by removing the child to foster care without prior court order or authorization, the court shall conduct a hearing within ten days of receiving notice of the termination of the trial home visit by the agency and shall order disposition under this subdivision or conduct a permanency hearing under subdivision 11 or 11a. The time period for the hearing may be extended by the court for good cause shown and if it is in the best interests of the child as long as the total time the child spends in foster care without a permanency hearing does not exceed 12 months;

(4) if the child has been adjudicated as a child in need of protection or services because the child is in need of special services or care to treat or ameliorate a physical or mental disability or emotional disturbance as defined in section 245.4871, subdivision 15, the court may order the child's parent, guardian, or custodian to provide it. The court may order the child's health plan company to provide mental health services to the child. Section 62Q.535 applies to an order for mental health services directed to the child's health plan company. If the health plan, parent, guardian, or custodian fails or is unable to provide this treatment or care, the court may order it provided. Absent specific written findings by the court that the child's disability is the result of abuse or neglect by the child's parent or guardian, the court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests; or

(5) if the court believes that the child has sufficient maturity and judgment and that it is in the best interests of the child, the court may order a child 16 years old or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate, if the county board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(b) If the child was adjudicated in need of protection or services because the child is a runaway or habitual truant, the court may order any of the following dispositions in addition to or as alternatives to the dispositions authorized under paragraph (a):

(1) counsel the child or the child's parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; ~~or with the consent of the commissioner of corrections, place the child in a group foster care facility which is under the commissioner's management and supervision;~~

(3) subject to the court's supervision, transfer legal custody of the child to one of the following:

(i) a reputable person of good moral character. No person may receive custody of two or more unrelated children unless licensed to operate a residential program under sections 245A.01 to 245A.16; or

(ii) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(4) require the child to pay a fine of up to \$100. The court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;

(5) require the child to participate in a community service project;

(6) order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;

(7) if the court believes that it is in the best interests of the child or of public safety that the child's driver's license or instruction permit be canceled, the court may order the commissioner of public safety to cancel the child's license or permit for any period up to the child's 18th birthday. If the child does not have a driver's license or permit, the court may order a denial of driving privileges for any period up to the child's 18th birthday. The court shall forward an order issued under this clause to the commissioner, who shall cancel the license or permit or deny driving privileges without a hearing for the period specified by the court. At any time before the expiration of the period of cancellation or denial, the court may, for good cause, order the commissioner of public safety to allow the child to apply for a license or permit, and the commissioner shall so authorize;

(8) order that the child's parent or legal guardian deliver the child to school at the beginning of each school day for a period of time specified by the court; or

(9) require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court.

To the extent practicable, the court shall enter a disposition order the same day it makes a finding that a child is in need of protection or services or neglected and in foster care, but in no event more than 15 days after the finding unless the court finds that the best interests of the child will be served by granting a delay. If the child was under

eight years of age at the time the petition was filed, the disposition order must be entered within ten days of the finding and the court may not grant a delay unless good cause is shown and the court finds the best interests of the child will be served by the delay.

(c) If a child who is 14 years of age or older is adjudicated in need of protection or services because the child is a habitual truant and truancy procedures involving the child were previously dealt with by a school attendance review board or county attorney mediation program under section 260A.06 or 260A.07, the court shall order a cancellation or denial of driving privileges under paragraph (b), clause (7), for any period up to the child's 18th birthday.

(d) In the case of a child adjudicated in need of protection or services because the child has committed domestic abuse and been ordered excluded from the child's parent's home, the court shall dismiss jurisdiction if the court, at any time, finds the parent is able or willing to provide an alternative safe living arrangement for the child, as defined in Laws 1997, chapter 239, article 10, section 2.

(e) When a parent has complied with a case plan ordered under subdivision 6 and the child is in the care of the parent, the court may order the responsible social services agency to monitor the parent's continued ability to maintain the child safely in the home under such terms and conditions as the court determines appropriate under the circumstances.

Sec. 22. Minnesota Statutes 2008, section 260C.201, subdivision 5, is amended to read:

Subd. 5. **Visitation.** If the court orders ~~that the child be placed outside of the child's home or present residence into foster care, it shall set reasonable rules for~~ the court shall review and either modify or approve the agency's plan for supervised or unsupervised parental visitation that contribute ~~contributes~~ to the objectives of the court order and court-ordered case plan, the maintenance of the familial relationship, and that meets the requirements of section 260C.212, subdivision 1, paragraph (c), clause (5). No parent may be denied visitation unless the court finds at the disposition hearing that the visitation ~~would act to prevent the achievement of the order's objectives or that it would endanger the child's physical or emotional well-being, is not in the child's best interests, or is not required under section 260C.178, subdivision 3, paragraph (c) or (d).~~ The court shall set reasonable rules review and either modify or approve the agency plan for visitation for any relatives as defined in section 260C.007, subdivision 27, and with siblings of the child, if visitation is consistent with the best interests of the child.

Sec. 23. Minnesota Statutes 2008, section 260C.212, subdivision 1, is amended to read:

Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan shall be prepared within 30 days after any child is placed in foster care by court order or a voluntary placement agreement between the responsible social services agency and the child's parent pursuant to subdivision 8 or chapter 260D.

(b) An out-of-home placement plan means a written document which is prepared by the responsible social services agency jointly with the parent or parents or guardian of the child and in consultation with the child's guardian ad litem, the child's tribe, if the child is an Indian child, the child's foster parent or representative of the residential facility, and, where appropriate, the child. For a child in voluntary foster care for treatment under chapter 260D, preparation of the out-of-home placement plan shall additionally include the child's mental health treatment provider. As appropriate, the plan shall be:

(1) submitted to the court for approval under section 260C.178, subdivision 7;

(2) ordered by the court, either as presented or modified after hearing, under section 260C.178, subdivision 7, or 260C.201, subdivision 6; and

(3) signed by the parent or parents or guardian of the child, the child's guardian ad litem, a representative of the child's tribe, the responsible social services agency, and, if possible, the child.

(c) The out-of-home placement plan shall be explained to all persons involved in its implementation, including the child who has signed the plan, and shall set forth:

(1) a description of the residential facility including how the out-of-home placement plan is designed to achieve a safe placement for the child in the least restrictive, most family-like, setting available which is in close proximity to the home of the parent or parents or guardian of the child when the case plan goal is reunification, and how the placement is consistent with the best interests and special needs of the child according to the factors under subdivision 2, paragraph (b);

(2) the specific reasons for the placement of the child in a residential facility, and when reunification is the plan, a description of the problems or conditions in the home of the parent or parents which necessitated removal of the child from home and the changes the parent or parents must make in order for the child to safely return home;

(3) a description of the services offered and provided to prevent removal of the child from the home and to reunify the family including:

(i) the specific actions to be taken by the parent or parents of the child to eliminate or correct the problems or conditions identified in clause (2), and the time period during which the actions are to be taken; and

(ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made to achieve a safe and stable home for the child including social and other supportive services to be provided or offered to the parent or parents or guardian of the child, the child, and the residential facility during the period the child is in the residential facility;

(4) a description of any services or resources that were requested by the child or the child's parent, guardian, foster parent, or custodian since the date of the child's placement in the residential facility, and whether those services or resources were provided and if not, the basis for the denial of the services or resources;

(5) the visitation plan for the parent or parents or guardian, other relatives as defined in section 260C.007, subdivision 27, and siblings of the child if the siblings are not placed together in foster care, and whether visitation is consistent with the best interest of the child, during the period the child is in foster care;

(6) documentation of steps to finalize the adoption or legal guardianship of the child if the court has issued an order terminating the rights of both parents of the child or of the only known, living parent of the child. At a minimum, the documentation must include child-specific recruitment efforts such as relative search and the use of state, regional, and national adoption exchanges to facilitate orderly and timely placements in and outside of the state. A copy of this documentation shall be provided to the court in the review required under section 260C.317, subdivision 3, paragraph (b);

(7) efforts to ensure the child's educational stability while in foster care, including:

(i) efforts to ensure that the child in placement remains in the same school in which the child was enrolled prior to placement, including efforts to work with the local education authorities to ensure the child's educational stability; or

(ii) if it is not in the child's best interest to remain in the same school that the child was enrolled in prior to placement, efforts to ensure immediate and appropriate enrollment for the child in a new school;

(8) ~~the health and~~ educational records of the child including the most recent information available regarding:

(i) the names and addresses of the child's ~~health and~~ educational providers;

(ii) the child's grade level performance;

(iii) the child's school record;

(iv) ~~assurances that a statement about how~~ the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement; and

~~(v) a record of the child's immunizations;~~

~~(vi) the child's known medical problems, including any known communicable diseases, as defined in section 144.4172, subdivision 2;~~

~~(vii) the child's medications; and~~

~~(viii) any other relevant health and education information;~~

(v) any other relevant educational information;

~~(8)~~ (9) the efforts by the local agency to ensure the oversight and continuity of health care services for the foster child, including:

(i) the plan to schedule the child's initial health screens;

(ii) how the child's known medical problems and identified needs from the screens, including any known communicable diseases, as defined in section 144.4172, subdivision 2, will be monitored and treated while the child is in foster care;

(iii) how the child's medical information will be updated and shared, including the child's immunizations;

(iv) who is responsible to coordinate and respond to the child's health care needs, including the role of the parent, the agency, and the foster parent;

(v) who is responsible for oversight of the child's prescription medications;

(vi) how physicians or other appropriate medical and nonmedical professionals will be consulted and involved in assessing the health and well-being of the child and determine the appropriate medical treatment for the child; and

(vii) the responsibility to ensure that the child has access to medical care through either medical insurance or medical assistance;

(10) the health records of the child including information available regarding:

(i) the name and addresses of the child's health care and dental care providers;

(ii) a record of the child's immunizations;

(iii) the child's known medical problems, including any known communicable diseases as defined in section 144.4172, subdivision 2;

(iv) the child's medications; and

(v) any other relevant health care information such as the child's eligibility for medical insurance or medical assistance;

(11) an independent living plan for a child age 16 or older who is in placement as a result of a permanency disposition. The plan should include, but not be limited to, the following objectives:

- (i) educational, vocational, or employment planning;
- (ii) health care planning and medical coverage;
- (iii) transportation including, where appropriate, assisting the child in obtaining a driver's license;
- (iv) money management;
- (v) planning for housing;
- (vi) social and recreational skills; and
- (vii) establishing and maintaining connections with the child's family and community; and

~~(9)~~ (12) for a child in voluntary foster care for treatment under chapter 260D, diagnostic and assessment information, specific services relating to meeting the mental health care needs of the child, and treatment outcomes.

(d) The parent or parents or guardian and the child each shall have the right to legal counsel in the preparation of the case plan and shall be informed of the right at the time of placement of the child. The child shall also have the right to a guardian ad litem. If unable to employ counsel from their own resources, the court shall appoint counsel upon the request of the parent or parents or the child or the child's legal guardian. The parent or parents may also receive assistance from any person or social services agency in preparation of the case plan.

After the plan has been agreed upon by the parties involved or approved or ordered by the court, the foster parents shall be fully informed of the provisions of the case plan and shall be provided a copy of the plan.

Upon discharge from foster care, the parent, adoptive parent, or permanent legal and physical custodian, as appropriate, and the child, if appropriate, must be provided with a current copy of the child's health and education record.

Sec. 24. Minnesota Statutes 2008, section 260C.212, subdivision 2, is amended to read:

Subd. 2. **Placement decisions based on best interest of the child.** (a) The policy of the state of Minnesota is to ensure that the child's best interests are met by requiring an individualized determination of the needs of the child and of how the selected placement will serve the needs of the child being placed. The authorized child-placing agency shall place a child, released by court order or by voluntary release by the parent or parents, in a family foster home selected by considering placement with relatives and important friends in the following order:

- (1) with an individual who is related to the child by blood, marriage, or adoption; or
 - (2) with an individual who is an important friend with whom the child has resided or had significant contact.
- (b) Among the factors the agency shall consider in determining the needs of the child are the following:
- (1) the child's current functioning and behaviors;
 - (2) the medical, educational, and developmental needs of the child;
 - (3) the child's history and past experience;

- (4) the child's religious and cultural needs;
- (5) the child's connection with a community, school, and ~~church~~ faith community;
- (6) the child's interests and talents;
- (7) the child's relationship to current caretakers, parents, siblings, and relatives; and

(8) the reasonable preference of the child, if the court, or the child-placing agency in the case of a voluntary placement, deems the child to be of sufficient age to express preferences.

(c) Placement of a child cannot be delayed or denied based on race, color, or national origin of the foster parent or the child.

(d) Siblings should be placed together for foster care and adoption at the earliest possible time unless it is ~~determined not to be in the best interests of a sibling~~ documented that a joint placement would be contrary to the safety or well-being of any of the siblings or unless it is not possible after ~~appropriate~~ reasonable efforts by the responsible social services agency. In cases where siblings cannot be placed together, the agency is required to provide frequent visitation or other ongoing interaction between siblings unless the agency documents that the interaction would be contrary to the safety or well-being of any of the siblings.

(e) Except for emergency placement as provided for in section 245A.035, a completed background study is required under section 245C.08 before the approval of a foster placement in a related or unrelated home.

Sec. 25. Minnesota Statutes 2008, section 260C.212, subdivision 4a, is amended to read:

Subd. 4a. **Monthly caseworker visits.** (a) Every child in foster care or on a trial home visit shall be visited by the child's caseworker on a monthly basis, with the majority of visits occurring in the child's residence. For the purposes of this section, the following definitions apply:

(1) "visit" is defined as a face-to-face contact between a child and the child's caseworker;

(2) "visited on a monthly basis" is defined as at least one visit per calendar month;

(3) "the child's caseworker" is defined as the person who has responsibility for managing the child's foster care placement case as assigned by the responsible social service agency; and

(4) "the child's residence" is defined as the home where the child is residing, and can include the foster home, child care institution, or the home from which the child was removed if the child is on a trial home visit.

(b) Caseworker visits shall be of sufficient substance and duration to address issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the child, including whether the child is enrolled and attending school as required by law.

Sec. 26. Minnesota Statutes 2008, section 260C.212, subdivision 5, is amended to read:

Subd. 5. **Relative search.** (a) ~~In implementing the requirement that the responsible social services agency must~~ The responsible social services agency shall exercise due diligence to identify and notify adult relatives prior to placement or within 30 days after the child's removal from the parent. The county agency shall consider placement with a relative under subdivision 2 without delay after identifying the need for placement of the child in foster care, the responsible social services agency shall identify relatives of the child and notify them of the need for a foster care home for the child and of the possibility of the need for a permanent out-of-home placement of the child. The

relative search required by this section shall be reasonable and comprehensive in scope and may last up to six months or until a fit and willing relative is identified. The relative search required by this section shall include both maternal relatives of the child and paternal relatives of the child, if paternity is adjudicated. The relatives must be notified ~~that they must:~~

(1) of the need for a foster home for the child, the option to become a placement resource for the child, and the possibility of the need for a permanent placement for the child;

(2) of their responsibility to keep the responsible social services agency informed of their current address in order to receive notice in the event that a permanent placement is being sought for the child. A relative who fails to provide a current address to the responsible social services agency forfeits the right to notice of the possibility of permanent placement. A decision by a relative not to be a placement resource at the beginning of the case shall not affect whether the relative is considered for placement of the child with that relative later;

(3) that the relative may participate in the care and planning for the child, including that the opportunity for such participation may be lost by failing to respond to the notice; and

(4) of the family foster care licensing requirements, including how to complete an application and how to request a variance from licensing standards that do not present a safety or health risk to the child in the home under section 245A.04 and supports that are available for relatives and children who reside in a family foster home.

(b) A responsible social services agency may disclose private or confidential data, as defined in section 13.02, to relatives of the child for the purpose of locating a suitable placement. The agency shall disclose only data that is necessary to facilitate possible placement with relatives. If the child's parent refuses to give the responsible social services agency information sufficient to identify the maternal and paternal relatives of the child, the agency shall ask the juvenile court to order the parent to provide the necessary information. If a parent makes an explicit request that relatives or a specific relative not be contacted or considered for placement, the agency shall bring the parent's request to the attention of the court to determine whether the parent's request is consistent with the best interests of the child and the agency shall not contact relatives or a specific relative unless authorized to do so by the juvenile court.

(c) When the placing agency determines that a permanent placement hearing is necessary because there is a likelihood that the child will not return to a parent's care, the agency may send the notice provided in paragraph (d), may ask the court to modify the requirements of the agency under this paragraph, or may ask the court to completely relieve the agency of the requirements of this paragraph. The relative notification requirements of this paragraph do not apply when the child is placed with an appropriate relative or a foster home that has committed to being the permanent legal placement for the child and the agency approves of that foster home for permanent placement of the child. The actions ordered by the court under this section must be consistent with the best interests, safety, and welfare of the child.

(d) Unless required under the Indian Child Welfare Act or relieved of this duty by the court under paragraph (c), when the agency determines that it is necessary to prepare for the permanent placement determination hearing, or in anticipation of filing a termination of parental rights petition, the agency shall send notice to the relatives, any adult with whom the child is currently residing, any adult with whom the child has resided for one year or longer in the past, and any adults who have maintained a relationship or exercised visitation with the child as identified in the agency case plan. The notice must state that a permanent home is sought for the child and that the individuals receiving the notice may indicate to the agency their interest in providing a permanent home. The notice must state that within 30 days of receipt of the notice an individual receiving the notice must indicate to the agency the individual's interest in providing a permanent home for the child or that the individual may lose the opportunity to be considered for a permanent placement.

(e) The Department of Human Services shall develop a best practices guide and specialized staff training to assist the responsible social services agency in performing and complying with the relative search requirements under this subdivision.

Sec. 27. Minnesota Statutes 2008, section 260C.212, subdivision 7, is amended to read:

Subd. 7. **Administrative or court review of placements.** (a) There shall be an administrative review of the out-of-home placement plan of each child placed in foster care no later than 180 days after the initial placement of the child in foster care and at least every six months thereafter if the child is not returned to the home of the parent or parents within that time. The out-of-home placement plan must be monitored and updated at each administrative review. The administrative review shall be conducted by the responsible social services agency using a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review. The administrative review shall be open to participation by the parent or guardian of the child and the child, as appropriate.

(b) As an alternative to the administrative review required in paragraph (a), the court may, as part of any hearing required under the Minnesota Rules of Juvenile Protection Procedure, conduct a hearing to monitor and update the out-of-home placement plan pursuant to the procedure and standard in section 260C.201, subdivision 6, paragraph (d). The party requesting review of the out-of-home placement plan shall give parties to the proceeding notice of the request to review and update the out-of-home placement plan. A court review conducted pursuant to section 260C.193; 260C.201, subdivision 1 or 11; 260C.141, subdivision 2 or 2a, clause (2); or 260C.317 shall satisfy the requirement for the review so long as the other requirements of this section are met.

(c) As appropriate to the stage of the proceedings and relevant court orders, the responsible social services agency or the court shall review:

- (1) the safety, permanency needs, and well-being of the child;
- (2) the continuing necessity for and appropriateness of the placement;
- (3) the extent of compliance with the out-of-home placement plan;
- (4) the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care;
- (5) the projected date by which the child may be returned to and safely maintained in the home or placed permanently away from the care of the parent or parents or guardian; and
- (6) the appropriateness of the services provided to the child.

(d) When a child is age 16 or older, in addition to any administrative review conducted by the agency, at the review required under section 260C.201, subdivision 11, paragraph (d), clause (3), item (iii); or 260C.317, subdivision 3, clause (3), the court shall review the independent living plan required under subdivision 1, paragraph (c), clause (8), and the provision of services to the child related to the well-being of the child as the child prepares to leave foster care. The review shall include the actual plans related to each item in the plan necessary to the child's future safety and well-being when the child is no longer in foster care.

(1) At the court review, the responsible social services agency shall establish that it has given the notice required under Minnesota Rules, part 9560.0060, regarding the right to continued access to services for certain children in foster care past age 18 and of the right to appeal a denial of social services under section 256.245. If the agency is unable to establish that the notice, including the right to appeal a denial of social services, has been given, the court shall require the agency to give it.

(2) The court shall make findings regarding progress toward or accomplishment of the following goals:

- (i) the child has obtained a high school diploma or its equivalent;
- (ii) the child has completed a driver's education course or has demonstrated the ability to use public transportation in the child's community;
- (iii) the child is employed or enrolled in postsecondary education;
- (iv) the child has applied for and obtained postsecondary education financial aid for which the child is eligible;
- (v) the child has health care coverage and health care providers to meet the child's physical and mental health needs;
- (vi) the child has applied for and obtained disability income assistance for which the child is eligible;
- (vii) the child has obtained affordable housing with necessary supports, which does not include a homeless shelter;
- (viii) the child has saved sufficient funds to pay for the first month's rent and a damage deposit;
- (ix) the child has an alternative affordable housing plan, which does not include a homeless shelter, if the original housing plan is unworkable;
- (x) the child, if male, has registered for the Selective Service; and
- (xi) the child has a permanent connection to a caring adult.

(3) The court shall ensure that the responsible agency in conjunction with the placement provider assists the child in obtaining the following documents prior to the child's leaving foster care: a Social Security card; the child's birth certificate; a state identification card or driver's license, green card, or school visa; the child's school, medical, and dental records; a contact list of the child's medical, dental, and mental health providers; and contact information for the child's siblings, if the siblings are in foster care.

(e) When a child is age 17 or older, during the 90-day period immediately prior to the date the child is expected to be discharged from foster care, the responsible social services agency is required to provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child. The transition plan must be as detailed as the child may elect and include specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services.

Sec. 28. Minnesota Statutes 2008, section 260D.02, subdivision 5, is amended to read:

Subd. 5. **Child in voluntary foster care for treatment.** "Child in voluntary foster care for treatment" means a child who is emotionally disturbed or developmentally disabled or has a related condition and is in foster care under a voluntary foster care agreement between the child's parent and the agency due to concurrence between the agency and the parent ~~that the child's level of care requires placement in foster care either~~ when it is determined that foster care is medically necessary:

(1) due to a determination by the agency's screening team based on its review of the diagnostic and functional assessment under section 245.4885; or

(2) due to a determination by the agency's screening team under section 256B.092 and Minnesota Rules, parts 9525.0004 to 9525.0016.

A child is not in voluntary foster care for treatment under this chapter when there is a current determination under section 626.556 that the child requires child protective services or when the child is in foster care for any reason other than the child's emotional or developmental disability or related condition.

Sec. 29. Minnesota Statutes 2008, section 260D.03, subdivision 1, is amended to read:

Subdivision 1. **Voluntary foster care.** When the agency's screening team, based upon the diagnostic and functional assessment under section 245.4885 or medical necessity screenings under section 256B.092, subdivision 7, determines the child's need for treatment due to emotional disturbance or developmental disability or related condition requires foster care placement of the child, a voluntary foster care agreement between the child's parent and the agency gives the agency legal authority to place the child in foster care.

Sec. 30. Minnesota Statutes 2008, section 484.76, subdivision 2, is amended to read:

Subd. 2. **Scope.** Alternative dispute resolution methods provided for under the rules must include arbitration, private trials, neutral expert fact-finding, mediation, minitrials, consensual special magistrates including retired judges and qualified attorneys to serve as special magistrates for binding proceedings with a right of appeal, and any other methods developed by the Supreme Court. The methods provided must be nonbinding unless otherwise agreed to in a valid agreement between the parties. Alternative dispute resolution may not be required in guardianship, conservatorship, or civil commitment matters; ~~proceedings in the juvenile court under chapter 260;~~ or in matters arising under section 144.651, 144.652, 518B.01, or 626.557."

Delete the title and insert:

"A bill for an act relating to human services; changing child welfare provisions; amending Minnesota Statutes 2008, sections 13.46, subdivision 2; 256.01, subdivision 14b; 259.52, subdivisions 2, 6; 260.012; 260.93; 260B.007, subdivision 7; 260B.157, subdivision 3; 260B.198, subdivision 1; 260C.007, subdivisions 18, 25; 260C.151, subdivisions 1, 2, 3, by adding a subdivision; 260C.163, by adding a subdivision; 260C.175, subdivision 1; 260C.176, subdivision 1; 260C.178, subdivisions 1, 3; 260C.201, subdivisions 1, 3, 5, 11; 260C.209, subdivision 3; 260C.212, subdivisions 1, 2, 4, 4a, 5, 7; 260D.02, subdivision 5; 260D.03, subdivision 1; 260D.07; 484.76, subdivision 2; Laws 2008, chapter 361, article 6, section 58; proposing coding for new law in Minnesota Statutes, chapter 260C; repealing Minnesota Statutes 2008, section 260C.209, subdivision 4."

The motion prevailed and the amendment was adopted.

Hosch and Thissen moved to amend S. F. No. 1503, the first engrossment, as amended, as follows:

Page 44, after line 20, insert:

"Sec. 5. Minnesota Statutes 2008, section 259.67, subdivision 1, is amended to read:

Subdivision 1. **Adoption assistance.** (a) The commissioner of human services shall enter into an adoption assistance agreement with an adoptive parent or parents ~~who adopt a child who meets the eligibility requirements under title IV E of the Social Security Act, United States Code, title 42, sections 670 to 679a, or who otherwise meets the requirements in subdivision 4 of an eligible child.~~ To be eligible for adoption assistance a child must:

(1) be determined to be a child with special needs, according to subdivision 4; and

(2)(i) meet the criteria outlined in section 473 of the Social Security Act; or

(ii) have had foster care payments paid on the child's behalf while in out-of-home placement through the county or tribe, and be either under the guardianship of the commissioner or under the jurisdiction of a Minnesota tribe, with adoption in accordance with tribal law as the child's documented permanency plan.

(b) Notwithstanding any provision to the contrary, no child on whose behalf federal title IV-E adoption assistance payments are to be made may be placed in an adoptive home unless a criminal background check under section 259.41, subdivision 3, paragraph (b), has been completed on the prospective adoptive parents and no disqualifying condition exists. A disqualifying condition exists if:

(1) a criminal background check reveals a felony conviction for child abuse; for spousal abuse; for a crime against children (including child pornography); or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery; or

(2) a criminal background check reveals a felony conviction within the past five years for physical assault, battery, or a drug-related offense.

(c) A child must be a citizen of the United States or otherwise eligible for federal public benefits according to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, in order to be eligible for title IV-E adoption assistance. A child must be a citizen of the United States or meet the qualified alien requirements as defined in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, in order to be eligible for state-funded adoption assistance.

(d) Subject to commissioner approval, the legally responsible agency shall make a title IV-E adoption assistance eligibility determination for each child. Children who meet all eligibility criteria except those specific to title IV-E adoption assistance shall receive adoption assistance paid through state funds.

(e) Payments for adoption assistance shall not be made to a biological parent of the child who later adopts the same child. Direct placement adoptions under section 259.47 or the equivalent in tribal code are not eligible for state-funded adoption assistance. A child who is adopted by the child's legal custodian or guardian is not eligible for state-funded adoption assistance. A child who is adopted by the child's legal custodian or guardian may be eligible for title IV-E adoption assistance if all required eligibility factors are met. International adoptions are not eligible for adoption assistance unless the adopted child has been placed into foster care through the public child welfare system subsequent to the failure of the adoption and all required eligibility factors are met.

Sec. 6. Minnesota Statutes 2008, section 259.67, subdivision 2, is amended to read:

Subd. 2. **Adoption assistance agreement.** The placing agency shall certify a child as eligible for adoption assistance according to rules promulgated by the commissioner. The placing agency shall not certify a child who remains under the jurisdiction of the sending agency pursuant to section 260.851, article 5, for state-funded adoption assistance when Minnesota is the receiving state. Not later than 30 days after a parent or parents are found and approved for adoptive placement of a child certified as eligible for adoption assistance, and before the final decree of adoption is issued, a written agreement must be entered into by the commissioner, the adoptive parent or parents, and the placing agency. The written agreement must be fully completed by the placing agency and in the form prescribed by the commissioner and must set forth the responsibilities of all parties, the anticipated duration of the adoption assistance ~~payments, agreement, the nature and amount of any payment, services, and assistance to be provided under such agreement, the child's eligibility for Medicaid services, eligibility for reimbursement of nonrecurring expenses associated with adopting the child, to the extent that total cost does not exceed \$2,000 per child, provisions for modification of the terms of the agreement, the effective date of the agreement, that the agreement must remain in effect regardless of the state of which the adoptive parents are residents at any given time, and the payment terms.~~ The agreement is effective the date of the adoption decree. The adoption assistance

agreement shall be subject to the commissioner's approval, which must be granted or denied not later than 15 days after the agreement is entered. The agreement must be negotiated with the adoptive parent or parents. A monthly payment is provided as part of the adoption assistance agreement to support the care of a child who has manifested special needs.

The amount of adoption assistance is ~~subject to the availability of state and federal funds and~~ shall be determined through agreement with the adoptive parents. The agreement shall take into consideration the circumstances of the adopting parent or parents, the needs of the child being adopted and may provide ongoing monthly assistance, supplemental maintenance expenses related to the child's special needs, nonmedical expenses periodically necessary for purchase of services, items, or equipment related to the special needs, and medical expenses. The placing agency or the adoptive parent or parents shall provide written documentation to support the need for adoption assistance payments. The commissioner may require periodic reevaluation of adoption assistance payments. The amount of ongoing monthly adoption assistance granted may in no case exceed ~~that which would be allowable for the child under foster family care~~ the payment schedule outlined in subdivision 2a, and, for state-funded cases, is subject to the availability of state and federal funds.

Sec. 7. Minnesota Statutes 2008, section 259.67, is amended by adding a subdivision to read:

Subd. 2a. **Benefits and payments.** (a) Eligibility for medical assistance for children receiving adoption assistance is as specified in section 256B.055.

(b) Basic maintenance payments are available for all children eligible for adoption assistance except those eligible solely based on high risk of developing a disability. Basic maintenance payments must be made according to the following schedule:

<u>Birth through age five</u>	<u>up to \$247 per month</u>
<u>Age six through age 11</u>	<u>up to \$277 per month</u>
<u>Age 12 through age 14</u>	<u>up to \$307 per month</u>
<u>Age 15 and older</u>	<u>up to \$337 per month</u>

A child must receive the maximum payment amount for the child's age, unless a lesser amount is negotiated with and agreed to by the prospective adoptive parent.

(c) Supplemental adoption assistance needs payments, in addition to basic maintenance payments, are available for a child whose disability necessitates care, supervision, and structure beyond that ordinarily provided in a family setting to persons of the same age. These payments are related to the severity of a child's disability and the level of parenting required to care for the child, and must be made according to the following schedule:

<u>Level I</u>	<u>up to \$150 per month</u>
<u>Level II</u>	<u>up to \$275 per month</u>
<u>Level III</u>	<u>up to \$400 per month</u>
<u>Level IV</u>	<u>up to \$500 per month</u>

A child's level shall be assessed on a supplemental maintenance needs assessment form prescribed by the commissioner. A child must receive the maximum payment amount for the child's assessed level, unless a lesser amount is negotiated with and agreed to by the prospective adoptive parent.

Sec. 8. Minnesota Statutes 2008, section 259.67, subdivision 3, is amended to read:

Subd. 3. **Modification, ~~or termination, or extension~~ of adoption assistance agreement.** The adoption assistance agreement shall continue in accordance with its terms as long as the need for adoption assistance continues and the adopted child is the legal or financial dependent of the adoptive parent or parents or guardian or conservator and is under 18 years of age. If the commissioner determines that the adoptive parents are no longer

legally responsible for support of the child or are no longer providing financial support to the child, the agreement shall terminate. Under certain limited circumstances, the adoption assistance agreement may be extended to age 22 as allowed by rules adopted by the commissioner. An application for extension must be completed and submitted by the adoptive parent prior to the date the child attains age 18. The application for extension must be made according to policies and procedures prescribed by the commissioner, including documentation of eligibility, and on forms prescribed by the commissioner. Termination or modification of the adoption assistance agreement may be requested by the adoptive parents or subsequent guardian or conservator at any time. When an adoptive parent requests modification of the adoption assistance agreement, a reassessment of the child must be completed consistent with subdivision 2a. If the reassessment indicates that the child's level has changed or, for a high-risk child, that the potential disability upon which eligibility for the agreement was based has manifested itself, the agreement shall be renegotiated to include an appropriate payment, consistent with subdivision 2a. The agreement must not be modified unless the commissioner and the adoptive parent mutually agree to the changes. When the commissioner determines that a child is eligible for extension of title IV-E adoption assistance under Title IV-E section 473 of the Social Security Act, United States Code, title 42, sections 670 to 679a, the commissioner shall modify the adoption assistance agreement require the adoptive parents to submit the necessary documentation in order to obtain the funds under that act.

Sec. 9. Minnesota Statutes 2008, section 259.67, subdivision 4, is amended to read:

Subd. 4. **Eligibility conditions Special needs determination.** (a) ~~The placing agency shall use the AFDC requirements as specified in federal law as of July 16, 1996, when determining the child's eligibility for adoption assistance under title IV-E of the Social Security Act. If the child does not qualify, the placing agency shall certify a child as eligible for state funded adoption assistance only.~~ A child is considered a child with special needs under this section if the following criteria are met:

(1) Due to the child's characteristics or circumstances it would be difficult to provide the child an adoptive home without adoption assistance.

(2)(i) A placement agency has made reasonable efforts to place the child for adoption without adoption assistance, but has been unsuccessful;

(ii) the child's licensed foster parents desire to adopt the child and it is determined by the placing agency that the adoption is in the best interest of the child; ~~or~~

(iii) the child's relative, as defined in section 260C.007, subdivision 27, desires to adopt the child, and it is determined by the placing agency that the adoption is in the best interest of the child; or

(iv) for a non-Indian child, the family that previously adopted a child of the same mother or father desires to adopt the child, and it is determined by the placing agency that the adoption is in the best interest of the child.

(3)(i) ~~The child is a ward of the commissioner or a tribal social service agency of Minnesota recognized by the Secretary of the Interior; or (ii) the child will be adopted according to tribal law without a termination of parental rights or relinquishment, provided that the tribe has documented the valid reason why the child cannot or should not be returned to the home of the child's parent. The placing agency shall not certify a child who remains under the jurisdiction of the sending agency pursuant to section 260.851, article 5, for state funded adoption assistance when Minnesota is the receiving state. A child who is adopted by the child's legal custodian or guardian shall not be eligible for state funded adoption assistance. There has been a determination that the child cannot or should not be returned to the home of the child's parents as evidenced by:~~

(i) a court-ordered termination of parental rights;

(ii) a petition to terminate parental rights;

(iii) a consent to adopt accepted by the court under sections 260C.201, subdivision 11, and 259.24;

(iv) in circumstances where tribal law permits the child to be adopted without a termination of parental rights, a judicial determination by tribal court indicating the valid reason why the child cannot or should not return home;

(v) a voluntary relinquishment under section 259.25 or 259.47 or, if relinquishment occurred in another state, the applicable laws in that state; or

(vi) the death of the legal parent.

(b) The characteristics or circumstances that may be considered in determining whether a child meets the requirements of paragraph (a), clause (1), or section 473(c)(2)(A) of the Social Security Act, are the following:

(1) The child is a member of a sibling group to be placed as one unit in which at least one sibling is older than 15 months of age or is described in clause (2) or (3) adopted at the same time by the same parent.

(2) The child has been determined by the Social Security Administration to meet all medical or disability requirements of title XVI of the Social Security Act with respect to eligibility for Supplemental Security Income benefits.

~~(2)~~ (3) The child has documented physical, mental, emotional, or behavioral disabilities not covered under clause (2).

~~(3)~~ (4) The child has a high risk of developing physical, mental, emotional, or behavioral disabilities.

~~(4)~~ (5) The child is five years of age or older.

(6) The child is placed for adoption in the home of a parent who previously adopted another child born of the same mother or father for whom they receive adoption assistance.

(c) When a child's eligibility for adoption assistance is based upon the high risk of developing physical, mental, emotional, or behavioral disabilities, payments shall not be made under the adoption assistance agreement unless and until the potential disability upon which eligibility for the agreement was based manifests itself as documented by an appropriate ~~health care~~ professional.

(d) Documentation must be provided to verify that a child meets the special needs criteria in this subdivision. Documentation is limited to evidence deemed appropriate by the commissioner.

Sec. 10. Minnesota Statutes 2008, section 259.67, subdivision 5, is amended to read:

Subd. 5. **Determination of residency.** A child placed in the state from another state or a tribe outside of the state is not eligible for state-funded adoption assistance through the state. A child placed in the state from another state or a tribe outside of the state may be eligible for title IV-E adoption assistance through the state of Minnesota if all eligibility factors are met and there is no state agency that has responsibility for placement and care of the child. A child who is a resident of any county in this state when eligibility for adoption assistance is certified shall remain eligible and receive adoption assistance in accordance with the terms of the adoption assistance agreement, regardless of the domicile or residence of the adopting parents at the time of application for adoptive placement, legal decree of adoption, or thereafter.

Sec. 11. Minnesota Statutes 2008, section 259.67, subdivision 7, is amended to read:

Subd. 7. **Reimbursement of costs.** (a) Subject to rules of the commissioner, and the provisions of this subdivision a child-placing agency licensed in Minnesota or any other state, or local or tribal social services agency shall receive a reimbursement from the commissioner equal to 100 percent of the reasonable and appropriate cost of

providing child-specific adoption services. Adoption services under this subdivision may include ~~adoptive family child-specific recruitment, counseling, and special training when needed, and home studies for prospective adoptive parents, and placement services.~~

(b) An eligible child must have a goal of adoption, which may include an adoption in accordance with tribal law, and meet one of the following criteria:

(1) is a ward of the commissioner of human services or a ward of tribal court pursuant to section 260.755, subdivision 20, who meets one of the criteria in subdivision 4, paragraph (a), clause (3), and one of the criteria in subdivision 4, paragraph (b), clause (1), (2), or (3); or

(2) is under the guardianship of a Minnesota-licensed child-placing agency who meets one of the criteria in subdivision 4, paragraph (b), clause (1) ~~or~~ (2), (3), (5), or (6).

(c) A child-placing agency licensed in Minnesota or any other state shall receive reimbursement for adoption services it purchases for or directly provides to an eligible child. Tribal social services shall receive reimbursement for adoption services it purchases for or directly provides to an eligible child. A local social services agency shall receive reimbursement only for adoption services it purchases for an eligible child.

Before providing adoption services for which reimbursement will be sought under this subdivision, a reimbursement agreement, on the designated format, must be entered into with the commissioner. No reimbursement under this subdivision shall be made to an agency for services provided prior to entering a reimbursement agreement. Separate reimbursement agreements shall be made for each child and separate records shall be kept on each child for whom a reimbursement agreement is made. ~~The commissioner of human services~~ Reimbursement shall agree not be made unless the commissioner agrees that the reimbursement costs are reasonable and appropriate. The commissioner may spend up to \$16,000 for each purchase of service agreement. Only one agreement per child is allowed, unless an exception is granted by the commissioner and agreed to in writing by the commissioner prior to commencement of services. Funds encumbered and obligated under such an agreement for the child remain available until the terms of the agreement are fulfilled or the agreement is terminated.

The commissioner shall make reimbursement payments directly to the agency providing the service if direct reimbursement is specified by the purchase of service agreement, and if the request for reimbursement is submitted by the local or tribal social services agency along with a verification that the service was provided.

Sec. 12. Minnesota Statutes 2008, section 259.67, is amended by adding a subdivision to read:

Subd. 11. **Promotion of programs.** The commissioner or the commissioner's designee shall actively seek ways to promote the adoption assistance program, including information to prospective adoptive parents of eligible children under the commissioner's guardianship of the availability of adoption assistance. All families who adopt children under the commissioner's guardianship must also be informed as to the adoption tax credit."

Page 77, after line 10, insert:

"Sec. 30. **REPEALER.**

Minnesota Rules, parts 9560.0081; 9560.0083, subparts 1, 5, and 6; and 9560.0091, subpart 4, item C, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dean offered an amendment to S. F. No. 1503, the first engrossment, as amended.

POINT OF ORDER

Hosch raised a point of order pursuant to rule 3.21 that the Dean amendment was not in order. Speaker pro tempore Liebling ruled the point of order well taken and the Dean amendment out of order.

S. F. No. 1503, A bill for an act relating to human services; changing child welfare provisions; modifying provisions governing adoption records; amending Minnesota Statutes 2008, sections 13.46, subdivision 2; 256.01, subdivision 14b; 259.52, subdivisions 2, 6; 259.89, subdivisions 1, 2, 4, by adding a subdivision; 260.012; 260.93; 260B.007, subdivision 7; 260B.157, subdivision 3; 260B.198, subdivision 1; 260C.007, subdivisions 18, 25; 260C.151, subdivisions 1, 2, 3, by adding a subdivision; 260C.163, by adding a subdivision; 260C.175, subdivision 1; 260C.176, subdivision 1; 260C.178, subdivisions 1, 3; 260C.201, subdivisions 1, 3, 5, 11; 260C.209, subdivision 3; 260C.212, subdivisions 1, 2, 4, 4a, 5, 7; 260D.02, subdivision 5; 260D.03, subdivision 1; 260D.07; 484.76, subdivision 2; Laws 2008, chapter 361, article 6, section 58; proposing coding for new law in Minnesota Statutes, chapter 260C; repealing Minnesota Statutes 2008, section 260C.209, 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 133 yeas and 1 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens

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

S. F. No. 722 was reported to the House.

Lesch moved to amend S. F. No. 722, the second engrossment, as follows:

Delete everything after the enacting clause and inset the following language of H. F. No. 954, as introduced:

"Section 1. **[253B.24] TRANSMITTAL OF DATA TO NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.**

When a court:

(1) commits a person under this chapter as being mentally ill, developmentally disabled, mentally ill and dangerous, or chemically dependent; or

(2) determines in a criminal case that a person is incompetent to stand trial or not guilty by reason of mental illness,

the court shall ensure that this information is transmitted to the National Instant Criminal Background Check System.

Sec. 2. Minnesota Statutes 2008, section 624.713, is amended by adding a subdivision to read:

Subd. 4. **Petition authorized to restore ability of committed persons to possess firearm.** A person prohibited from possessing a firearm under subdivision 1, clause (3), (5), or (10), item (iv), due to confinement or commitment resulting from a judicial determination that the person was mentally ill, developmentally disabled, mentally ill and dangerous, or chemically dependent may petition a court to restore the person's ability to possess a firearm. The court may grant the relief sought if the person shows good cause to do so, that the person no longer suffers from the condition that led to the confinement or commitment, that the person is not likely to act in a manner that is dangerous to public safety, and that the granting of the relief sought is not contrary to the public interest."

Delete the title and insert:

"A bill for an act relating to public safety; requiring that information on persons civilly committed, found not guilty by reason of mental illness, or incompetent to stand trial be transmitted to the federal National Instant Criminal Background Check System; authorizing certain persons prohibited under state law from possessing a firearm to petition a court for restoration of this right; amending Minnesota Statutes 2008, section 624.713, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 253B."

The motion prevailed and the amendment was adopted.

Lesch moved to amend S. F. No. 722, the second engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. **[253B.24] TRANSMITTAL OF COMMITMENT DATA TO NICS.**

The court must promptly transmit information about any of the following actions to the National Instant Criminal Background Check System, in accordance with Public Law No. 110-180, when the court:

(1) commits a person under this chapter as the result of a judicial determination that the person is mentally ill, developmentally disabled, mentally ill and dangerous, or chemically dependent;

(2) determines in a criminal case that a person is incompetent to stand trial or is not guilty by reason of mental illness; or

(3) removes a person's firearms disability by action pursuant to section 609.165, subdivision 1d or section 624.713, subdivision 4.

Sec. 2. Minnesota Statutes 2008, section 609.165, subdivision 1d, is amended to read:

Subd. 1d. **Judicial restoration of ability to possess firearm by felon.** ~~(a) A person prohibited by subject to any federal or state law from shipping, transporting, possessing, or receiving a firearm~~ firearms disability because of a conviction or a delinquency adjudication for committing ~~a any crime of violence or offense~~ may petition a court to ~~restore the person's ability to possess, receive, ship, or transport firearms and otherwise deal with firearms~~ completely remove the disability.

~~(b) The court may grant the relief sought if the person shows good cause to do so and the person has been released from physical confinement.~~

~~(c) If a petition is denied, the person may not file another petition until three years have elapsed without the permission of the court.~~

Sec. 3. Minnesota Statutes 2008, section 624.713, subdivision 1, is amended to read:

Subdivision 1. ~~Ineligible persons~~ **Firearms disabilities.** The following persons shall not be entitled to possess a pistol or semiautomatic military-style assault weapon or, except for clause (1), any other firearm:

(1) a person under the age of 18 years except that a person under 18 may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(3) a person who is or has ever been ~~confined~~ committed in Minnesota or elsewhere ~~as a~~ by a judicial determination that the person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the ~~person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability~~ person's firearms disability has been removed under subdivision 4;

(4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, ~~or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a~~

~~certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other such violation of chapter 152 or a similar law of another state; or a person who is or has ever been committed by a judicial determination for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's firearms disability has been removed under subdivision 4;~~

(5) a person who has been ~~confined or~~ committed to a treatment facility in Minnesota or elsewhere ~~as by a judicial determination that the person is~~ chemically dependent as defined in section 253B.02, unless the person has completed treatment or the person's firearms disability has been removed under subdivision 4. Property rights may not be abated but access may be restricted by the courts;

(6) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(7) a person, including a person under the jurisdiction of the juvenile court, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed;

(8) except as otherwise provided in clause (9), a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member or section 609.2242, subdivision 3, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242, subdivision 3, or a similar law of another state;

(9) a person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm for the period determined by the sentencing court;

(10) a person who:

(i) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;

(iii) is an unlawful user of any controlled substance as defined in chapter 152;

(iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02;

(v) is an alien who is illegally or unlawfully in the United States;

(vi) has been discharged from the armed forces of the United States under dishonorable conditions; ~~or~~

(vii) has renounced the person's citizenship having been a citizen of the United States; ~~or~~

(viii) is subject to a court order that:

(A) was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

(B) restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C) includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child, or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury; or

(ix) has been convicted in any court of a misdemeanor crime of domestic violence; or

(11) a person who has been convicted of the following offenses at the gross misdemeanor level, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of these sections: section 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71 (riot); or 609.749 (harassment and stalking). For purposes of this paragraph, the specified gross misdemeanor convictions include crimes committed in other states or jurisdictions which would have been gross misdemeanors if conviction occurred in this state.

A person who issues a certificate pursuant to this ~~subdivision~~ section in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

The prohibition in this subdivision relating to the possession of firearms other than pistols and semiautomatic military-style assault weapons does not apply retroactively to persons who are prohibited from possessing a pistol or semiautomatic military-style assault weapon under this subdivision before August 1, 1994.

The lifetime prohibition on possessing, receiving, shipping, or transporting firearms for persons convicted or adjudicated delinquent of a crime of violence in clause (2), applies only to offenders who are discharged from sentence or court supervision for a crime of violence on or after August 1, 1993.

For purposes of this section, "judicial determination" means a court proceeding pursuant to sections 253B.07 through 253B.09.

Sec. 4. Minnesota Statutes 2008, section 624.713, is amended by adding a subdivision to read:

Subd. 4. Restoration of firearms eligibility to civilly committed person; petition authorized. (a) A person who is subject to a firearms disability defined in subdivision 1, due to commitment resulting from a judicial determination that the person is mentally ill, developmentally disabled, mentally ill and dangerous, or chemically dependent, may petition the district court for a de novo review to completely remove the person's firearms disability.

(b) The court must grant the relief sought in paragraph (a) in accordance with the principles of due process if the circumstances regarding the person's disqualifying condition and the person's record and reputation are determined to be such that:

(1) the person is not likely to act in a manner that is dangerous to public safety; and

(2) the granting of relief would not be contrary to the public interest.

(c) To meet the requirement of paragraph (b), clause (1), the petitioner must present evidence from a licensed medical doctor or clinical psychologist that the person is no longer suffering from the disease or condition which caused the disability; or that the disease or condition has been successfully treated for a period of three consecutive years.

(d) Review on appeal shall be de novo, in accordance with Public Law 110-180.

Sec. 5. Minnesota Statutes 2008, section 624.7131, subdivision 2, is amended to read:

Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system ~~and~~ the national criminal record repository ~~and~~ and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Sec. 6. Minnesota Statutes 2008, section 624.7132, subdivision 2, is amended to read:

Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system ~~and~~ the national criminal record repository, and the National Instant Criminal Background Check System. ~~and~~ The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Sec. 7. Minnesota Statutes 2008, section 624.714, subdivision 4, is amended to read:

Subd. 4. **Investigation.** (a) The sheriff must check, by means of electronic data transfer, criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System ~~and, to the extent necessary,~~ the National Instant Criminal Background Check System. The sheriff shall also make a reasonable effort to check other available and relevant federal, state, or local record-keeping systems. The sheriff must obtain commitment information from the commissioner of human services as provided in section 245.041 or, if the information is reasonably available, as provided by a similar statute from another state.

(b) When an application for a permit is filed under this section, the sheriff must notify the chief of police, if any, of the municipality where the applicant resides. The police chief may provide the sheriff with any information relevant to the issuance of the permit.

(c) The sheriff must conduct a background check by means of electronic data transfer on a permit holder through the Minnesota Crime Information System ~~and, to the extent necessary,~~ the National Instant Criminal Background Check System at least yearly to ensure continuing eligibility. The sheriff may also conduct additional background checks by means of electronic data transfer on a permit holder at any time during the period that a permit is in effect.

Sec. 8. **EFFECTIVE DATE.**

Sections 1 to 7 are effective July 1, 2010."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 722, A bill for an act relating to public safety; requiring that information on persons civilly committed, found not guilty by reason of mental illness, or incompetent to stand trial be transmitted to the federal National Instant Criminal Background Check System; authorizing certain persons prohibited under state law from possessing a firearm to petition a court for restoration of this right; amending Minnesota Statutes 2008, section 624.713, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 253B.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 666, A bill for an act relating to human services; modifying provisions related to children aging out of foster care; amending Minnesota Statutes 2008, section 260C.212, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 260C.

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 124 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Abeler	Anzelc	Benson	Brod	Bunn	Clark
Anderson, P.	Atkins	Bigham	Brown	Carlson	Cornish
Anderson, S.	Beard	Bly	Brynaert	Champion	Davids

Davnie	Hamilton	Kalin	Mahoney	Otremba	Slocum
Demmer	Hansen	Kath	Mariani	Paymar	Smith
Dettmer	Hausman	Kelly	Marquart	Pelowski	Solberg
Dill	Haws	Kiffmeyer	Masin	Peppin	Sterner
Dittrich	Hayden	Knuth	McFarlane	Persell	Swails
Doepke	Hilstrom	Koenen	McNamara	Peterson	Thao
Doty	Hilty	Kohls	Morgan	Poppe	Thissen
Downey	Holberg	Laine	Morrow	Reinert	Tillberry
Eastlund	Hoppe	Lanning	Mullery	Rosenthal	Torkelson
Eken	Hornstein	Lenczewski	Murdock	Rukavina	Urdahl
Falk	Hortman	Lesch	Murphy, E.	Ruud	Wagenius
Faust	Hosch	Liebling	Murphy, M.	Sailer	Ward
Fritz	Howes	Lieder	Nelson	Sanders	Welti
Gardner	Huntley	Lillie	Newton	Scalze	Westrom
Garofalo	Jackson	Loeffler	Nornes	Seifert	Winkler
Gottwalt	Johnson	Loon	Norton	Sertich	Spk. Kelliher
Greiling	Juhnke	Mack	Obermueller	Simon	
Gunther	Kahn	Magnus	Olin	Slawik	

Those who voted in the negative were:

Anderson, B.	Dean	Emmer	Scott	Shimanski
Buesgens	Drazkowski	Hackbarth	Severson	Zellers

The bill was passed and its title agreed to.

S. F. No. 567, A bill for an act relating to education; requiring school districts that offer cardiopulmonary resuscitation or automatic external defibrillator instruction to use instruction developed by the American Heart Association, the American Red Cross, or uses nationally recognized, evidence-based guidelines; proposing coding for new law in Minnesota Statutes, chapter 120B.

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 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Champion	Eken	Hilty	Kiffmeyer	Mahoney
Anderson, B.	Clark	Falk	Holberg	Knuth	Mariani
Anderson, P.	Cornish	Faust	Hoppe	Koenen	Marquart
Anderson, S.	Davids	Fritz	Hornstein	Kohls	Masin
Anzelc	Davnie	Gardner	Hortman	Laine	McFarlane
Atkins	Dean	Garofalo	Hosch	Lanning	McNamara
Beard	Demmer	Gottwalt	Howes	Lenczewski	Morgan
Benson	Dettmer	Greiling	Huntley	Lesch	Morrow
Bigham	Dill	Gunther	Jackson	Liebling	Mullery
Bly	Dittrich	Hamilton	Johnson	Lieder	Murdock
Brod	Doepke	Hansen	Juhnke	Lillie	Murphy, E.
Brown	Doty	Hausman	Kahn	Loeffler	Murphy, M.
Brynaert	Downey	Haws	Kalin	Loon	Nelson
Bunn	Drazkowski	Hayden	Kath	Mack	Newton
Carlson	Eastlund	Hilstrom	Kelly	Magnus	Nornes

Norton	Persell	Sailer	Shimanski	Swails	Ward
Obermueller	Peterson	Sanders	Simon	Thao	Welti
Olin	Poppe	Scalze	Slawik	Thissen	Westrom
Otremba	Reinert	Scott	Slocum	Tillberry	Winkler
Paymar	Rosenthal	Seifert	Smith	Torkelson	Zellers
Pelowski	Rukavina	Sertich	Solberg	Urdahl	Spk. Kelliher
Peppin	Ruud	Severson	Sterner	Wagenius	

Those who voted in the negative were:

Buesgens	Emmer	Hackbarth
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The bill was passed and its title agreed to.

H. F. No. 1529, A bill for an act relating to civil proceedings; removing a dollar limitation on attorney or agent fees in certain cases; amending Minnesota Statutes 2008, section 15.471, 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 132 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens	Garofalo
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The bill was passed and its title agreed to.

S. F. No. 1887, A bill for an act relating to civil law; releasing information to health care agents; providing access to health care agents; amending Minnesota Statutes 2008, sections 13.384, subdivisions 2, 3; 144.225, subdivision 7; 144.419, subdivision 5; 169.09, subdivision 13; 246.70; 253B.10, subdivision 3; 253B.14; 253B.16, subdivision 2; 256B.48, subdivision 8.

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 89 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Anzelc	Doty	Hosch	Lillie	Obermueller	Simon
Atkins	Eken	Huntley	Loeffler	Olin	Slawik
Benson	Falk	Jackson	Mahoney	Otremba	Slocum
Bigham	Faust	Johnson	Mariani	Paymar	Solberg
Bly	Fritz	Juhnke	Marquart	Pelowski	Sterner
Brown	Gardner	Kahn	Masin	Persell	Swails
Brynaert	Greiling	Kalin	McNamara	Peterson	Thao
Bunn	Hansen	Kath	Morgan	Poppe	Thissen
Carlson	Hausman	Knuth	Morrow	Reinert	Tillberry
Champion	Haws	Koenen	Mullery	Rosenthal	Wagenius
Clark	Hayden	Laine	Murphy, E.	Rukavina	Ward
Cornish	Hilstrom	Lenczewski	Murphy, M.	Ruud	Welti
Davnie	Hilty	Lesch	Nelson	Sailer	Winkler
Dill	Hornstein	Liebling	Newton	Scalze	Spk. Kelliher
Dittrich	Hortman	Lieder	Norton	Sertich	

Those who voted in the negative were:

Abeler	Dean	Garofalo	Kelly	Murdock	Smith
Anderson, B.	Demmer	Gottwalt	Kiffmeyer	Nornes	Torkelson
Anderson, P.	Dettmer	Gunther	Kohls	Peppin	Urdahl
Anderson, S.	Doepke	Hackbarth	Lanning	Sanders	Westrom
Beard	Downey	Hamilton	Loon	Scott	Zellers
Brod	Drazkowski	Holberg	Mack	Seifert	
Buesgens	Eastlund	Hoppe	Magnus	Severson	
Davids	Emmer	Howes	McFarlane	Shimanski	

The bill was passed and its title agreed to.

There being no objection, the order of business reverted to Reports of Standing Committees and Divisions.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Lenczewski from the Committee on Taxes to which was referred:

S. F. No. 915, A bill for an act relating to insurance; requiring school districts to obtain employee health coverage through the public employees insurance program; appropriating money; amending Minnesota Statutes

2008, sections 43A.316, subdivisions 9, 10, by adding subdivisions; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; 297I.15, subdivision 3.

Reported the same back with the following amendments to the unofficial engrossment:

Page 2, line 5, delete "subdivision" and insert "subdivisions 1, paragraph (b); and"

Page 6, after line 20, insert:

"Sec. 13. Minnesota Statutes 2008, section 297I.05, subdivision 1, is amended to read:

Subdivision 1. **Domestic and foreign companies.** (a) Except as otherwise provided in this section, a tax is imposed on every domestic and foreign insurance company. The rate of tax is equal to two percent of all gross premiums less return premiums on all direct business received by the insurer or agents of the insurer in Minnesota, in cash or otherwise, during the year.

(b) A tax is imposed on the school employee insurance program enacted under section 43A.316, subdivision 12. The rate of tax imposed for each year shall be the rate specified in paragraph (a) and shall be assessed upon all gross premiums less return premiums on all direct business received in that year, in cash or otherwise, by the school employees insurance program from school employers that, on May 1, 2009, were receiving health care coverage from an entity that is required to pay the tax under paragraph (a). The commissioner shall assess the premiums paid to the school employee insurance program by those employers at the same rate paid by entities taxed under paragraph (a)."

Page 7, line 14, delete "subdivision" and insert "subdivisions 1, paragraph (b); and"

Page 7, line 26, delete "15" and insert "16"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "imposing a gross premiums tax on the program;"

Correct the title numbers accordingly

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

The report was adopted.

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Juhnke.

Champion was excused between the hours of 7:05 p.m. and 9:50 p.m.

Hamilton was excused between the hours of 7:05 p.m. and 9:10 p.m.

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

REPORTS OF STANDING COMMITTEES AND DIVISIONS, Continued

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

S. F. No. 915, A bill for an act relating to insurance; requiring school districts to obtain employee health coverage through the public employees insurance program; appropriating money; amending Minnesota Statutes 2008, sections 43A.316, subdivisions 9, 10, by adding subdivisions; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; 297I.15, subdivision 3.

Reported the same back with the following amendments to the second unofficial engrossment:

Page 2, line 6, delete everything after the first comma, and insert "subdivision 15."

Page 6, delete section 13

Page 7, delete section 14 and insert:

"Sec. 13. Minnesota Statutes 2008, section 297I.05, is amended by adding a subdivision to read:

Subd. 15. **School employee insurance program.** A tax is imposed on the school employee insurance program created under section 43A.316, subdivision 12. The tax must be assessed upon gross premiums less return premiums received by the school employee insurance program in that calendar year from employees of a school district that, on May 1, 2009, was purchasing health care coverage from an entity that is required to pay tax under subdivision 1, 3, 4, or 5. The commissioner shall assess the premiums paid in each year to the school employee insurance program by those employers at the same rate as premiums paid by the entities under subdivision 1, 3, 4, or 5 as applicable to the school district."

Page 7, line 31, delete everything after the first comma, and insert "subdivision 15."

Page 7, delete section 16 and insert:

"Sec. 15. **START-UP FUNDING; ADMINISTRATION OF ONGOING REVENUES AND EXPENSES.**

(a) The commissioner of Minnesota Management and Budget shall use funds available in the insurance trust fund under Minnesota Statutes, section 43A.316, subdivision 9, in the form of temporary funding to pay for the administrative start-up costs necessary under this act. In addition to the amounts of temporary funding, the commissioner shall determine the amount of interest lost to the insurance trust fund as a result of the temporary funding.

(b) The commissioner of Minnesota Management and Budget shall impose an enrollment fee upon the premium charged for the first three months of coverage under the school employee insurance program created in this act sufficient to repay to the insurance trust fund the loans provided to cover the start-up costs incurred by the commissioner under paragraph (a), plus foregone interest to the insurance trust fund, as determined under paragraph (a). The commissioner shall deposit the enrollment fees in the insurance trust fund.

(c) All costs incurred and revenue received by the commissioner of Minnesota Management and Budget under this act in addition to those dealt with in paragraphs (a) and (b), shall on an ongoing basis be deposited into and paid out of the insurance trust fund as provided in Minnesota Statutes, section 43A.316, subdivision 9, as amended in this act."

Page 8, line 11, delete "16" and insert "15"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "appropriating money" and insert "imposing an enrollment fee"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. No. 915 was read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

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

H. F. No. 1275, A bill for an act relating to environment; modifying sewage treatment systems provisions; changing terminology; amending Minnesota Statutes 2008, sections 115.55, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 9; 115.56, subdivisions 1, 2, 3; 326B.46, subdivision 2; repealing Minnesota Statutes 2008, sections 115.55, subdivision 10; 115.56, subdivision 2a.

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:

S. F. No. 550.

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

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 550

A bill for an act relating to energy; providing for energy conservation; regulating utility rates; removing prohibition on issuing certificate of need for new nuclear power plant; providing for various Legislative Energy Commission studies; regulating utilities; amending Minnesota Statutes 2008, sections 216A.03, subdivision 6, by adding a subdivision; 216B.16, subdivisions 2, 6c, 7b, by adding a subdivision; 216B.1645, subdivision 2a; 216B.169, subdivision 2; 216B.1691, subdivision 2a; 216B.23, by adding a subdivision; 216B.241, subdivisions 1c, 5a, 9; 216B.2411, subdivisions 1, 2; 216B.2424, subdivision 5a; 216B.243, subdivisions 3b, 8, 9; 216C.11; proposing coding for new law in Minnesota Statutes, chapter 216C; repealing Laws 2007, chapter 3, section 3.

May 13, 2009

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 550 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 550 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 116C.779, subdivision 2, is amended to read:

Subd. 2. **Renewable energy production incentive.** (a) Until January 1, ~~2018~~ 2021, up to \$10,900,000 annually must be allocated from available funds in the account to fund renewable energy production incentives. \$9,400,000 of this annual amount is for incentives for ~~up to 200 megawatts of~~ electricity generated by wind energy conversion systems that are eligible for the incentives under section 216C.41 or Laws 2005, chapter 40.

(b) The balance of this amount, up to \$1,500,000 annually, may be used for production incentives for on-farm biogas recovery facilities and hydroelectric facilities that are eligible for the incentive under section 216C.41 or for production incentives for other renewables, to be provided in the same manner as under section 216C.41.

(c) Any portion of the \$10,900,000 not expended in any calendar year for the incentive is available for other spending purposes under this section. This subdivision does not create an obligation to contribute funds to the account.

~~(b)~~ (d) The Department of Commerce shall determine eligibility of projects under section 216C.41 for the purposes of this subdivision. At least quarterly, the Department of Commerce shall notify the public utility of the name and address of each eligible project owner and the amount due to each project under section 216C.41. The public utility shall make payments within 15 working days after receipt of notification of payments due.

Sec. 2. Minnesota Statutes 2008, section 116C.779, is amended by adding a subdivision to read:

Subd. 3. **Initiative for Renewable Energy and the Environment** (a) Beginning July 1, 2009, and each July 1 through 2012, \$5,000,000 must be allocated from the renewable development account to fund a grant to the Board of Regents of the University of Minnesota for the Initiative for Renewable Energy and the Environment for the purposes described in paragraph (b). The Initiative for Renewable Energy and the Environment must set aside at

least 15 percent of the funds received annually under the grant for qualified projects conducted at a rural campus or experiment station. Any set-aside funds not awarded to a rural campus or experiment station at the end of the fiscal year revert back to the Initiative for Renewable Energy and the Environment for its exclusive use. This subdivision does not create an obligation to contribute funds to the account.

(b) Activities funded under this grant may include, but are not limited to:

(1) environmentally sound production of energy from a renewable energy source, including biomass and agricultural crops;

(2) environmentally sound production of hydrogen from biomass and any other renewable energy source for energy storage and energy utilization;

(3) development of energy conservation and efficient energy utilization technologies;

(4) energy storage technologies; and

(5) analysis of policy options to facilitate adoption of technologies that use or produce low-carbon renewable energy.

(c) For the purposes of this subdivision:

(1) "biomass" means plant and animal material, agricultural and forest residues, mixed municipal solid waste, and sludge from wastewater treatment; and

(2) "renewable energy source" means hydro, wind, solar, biomass, and geothermal energy, and microorganisms used as an energy source.

(d) Beginning January 15 of 2010, and each year thereafter, the director of the Initiative for Renewable Energy and the Environment at the University of Minnesota shall submit a report to the chair and ranking minority members of the senate and house of representatives committees with primary jurisdiction over energy finance describing the activities conducted during the previous year funded under this subdivision.

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

Sec. 3. Minnesota Statutes 2008, section 117.189, is amended to read:

117.189 PUBLIC SERVICE CORPORATION EXCEPTIONS.

Sections 117.031; 117.036; 117.055, subdivision 2, paragraph (b); 117.186; 117.187; 117.188; and 117.52, subdivisions 1a and 4, do not apply to public service corporations. For purposes of an award of appraisal fees under section 117.085, the fees awarded may not exceed ~~\$500~~ \$1,500 for all types of property except for a public service corporation's use of eminent domain for a high-voltage transmission line, where the award may not exceed \$3,000.

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

Sec. 4. Minnesota Statutes 2008, section 216A.03, subdivision 6, is amended to read:

Subd. 6. **Record of proceedings.** An audio magnetic or audio electronic recording device shall be used to keep a record of all proceedings before the commission ~~unless the commission provides a hearing reporter to record the proceeding.~~

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

Sec. 5. Minnesota Statutes 2008, section 216A.03, is amended by adding a subdivision to read:

Subd. 6a. **Hearing reporter.** The commission may delegate to the executive secretary authority to require hearing reporter services. The cost of hearing reporter services must be borne by the utility, telephone company, or telecommunications carrier that is the subject of the proceeding. If more than one company is the subject of a proceeding, the commission or, if the commission so delegates, the executive secretary, shall determine how the hearing reporter costs are to be allocated for the proceeding.

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

Sec. 6. Minnesota Statutes 2008, section 216B.16, subdivision 2, is amended to read:

Subd. 2. **Suspension of proposed rate; hearing; final determination defined.** (a) Whenever there is filed with the commission a schedule modifying or resulting in a change in any rates then in force as provided in subdivision 1, the commission may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected utility a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than ten months beyond the initial filing date except as provided in this subdivision or subdivision 1a.

(b) During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the department can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised have not been resolved to its satisfaction, or upon petition by ten percent of the affected customers or 250 affected customers, whichever is less, it shall refer the matter to the Office of Administrative Hearings with instructions for a public hearing as a contested case pursuant to chapter 14, except as otherwise provided in this section.

(c) The commission may order that the issues presented by the proposed rate changes be bifurcated into two separate hearings as follows: (1) determination of the utility's revenue requirements and (2) determination of the rate design. Upon issuance of both administrative law judge reports, the issues shall again be joined for consideration and final determination by the commission.

(d) All prehearing discovery activities of state agency intervenors shall be consolidated and conducted by the Department of Commerce.

(e) If the commission does not make a final determination concerning a schedule of rates within ten months after the initial filing date, the schedule shall be deemed to have been approved by the commission; except if:

(1) an extension of the procedural schedule has been granted under paragraph (f) or subdivision 1a, in which case the schedule of rates is deemed to have been approved by the commission on the last day of the extended period of suspension; or

(2) a settlement has been submitted to and rejected by the commission and the commission does not make a final determination concerning the schedule of rates, the schedule of rates is deemed to have been approved 60 days after the initial or, if applicable, the extended period of suspension.

(f) If the commission finds that it has insufficient time during the suspension period to make a final determination of a case involving changes in general rates because of the need to make a final determination of ~~another previously filed~~ any pending case involving changes in general rates under this section or section 237.075, the commission may extend the suspension period to ~~the extent necessary to allow itself 20 working days to allow~~ up to a total of 90 additional calendar days to make the final determination ~~after it has made a final determination in the previously filed case.~~ An extension of the suspension period under this paragraph does not alter the setting of interim rates under subdivision 3.

(g) For the purposes of this section, "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all those petitions.

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

Sec. 7. Minnesota Statutes 2008, section 216B.16, subdivision 6c, is amended to read:

Subd. 6c. **Incentive plan for energy conservation improvement.** (a) The commission may order public utilities to develop and submit for commission approval incentive plans that describe the method of recovery and accounting for utility conservation expenditures and savings. In developing the incentive plans the commission shall ensure the effective involvement of interested parties.

(b) In approving incentive plans, the commission shall consider:

- (1) whether the plan is likely to increase utility investment in cost-effective energy conservation;
- (2) whether the plan is compatible with the interest of utility ratepayers and other interested parties;
- (3) whether the plan links the incentive to the utility's performance in achieving cost-effective conservation; and
- (4) whether the plan is in conflict with other provisions of this chapter.

(c) The commission may set rates to encourage the vigorous and effective implementation of utility conservation programs. The commission may:

- (1) increase or decrease any otherwise allowed rate of return on net investment based upon the utility's skill, efforts, and success in conserving energy;
- (2) share between ratepayers and utilities the net savings resulting from energy conservation programs to the extent justified by the utility's skill, efforts, and success in conserving energy; and
- (3) ~~compensate the utility for earnings lost as a result of its conservation programs~~ adopt any mechanism that satisfies the criteria of this subdivision, such that implementation of cost-effective conservation is a preferred resource choice for the public utility considering the impact of conservation on earnings of the public utility.

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

Sec. 8. Minnesota Statutes 2008, section 216B.16, subdivision 7b, is amended to read:

Subd. 7b. **Transmission cost adjustment.** (a) Notwithstanding any other provision of this chapter, the commission may approve a tariff mechanism for the automatic annual adjustment of charges for the Minnesota jurisdictional costs of (i) new transmission facilities that have been separately filed and reviewed and approved by the commission under section 216B.243 or are certified as a priority project or deemed to be a priority transmission project under section 216B.2425; and (ii) charges incurred by a utility that accrue from other transmission owners' regionally planned transmission projects that have been determined by the Midwest Independent System Operator to benefit the utility, as provided for under a federally approved tariff.

(b) Upon filing by a public utility or utilities providing transmission service, the commission may approve, reject, or modify, after notice and comment, a tariff that:

(1) allows the utility to recover on a timely basis the costs net of revenues of facilities approved under section 216B.243 or certified or deemed to be certified under section 216B.2425 or exempt from the requirements of section 216B.243;

(2) allows the charges incurred by a utility that accrue from other transmission owners' regionally planned transmission projects that have been determined by the Midwest Independent System Operator to benefit the utility, as provided for under a federally approved tariff. These charges must be reduced or offset by revenues received by the utility and by amounts the utility charges to other regional transmission owners, to the extent those revenues and charges have not been otherwise offset;

(3) allows a return on investment at the level approved in the utility's last general rate case, unless a different return is found to be consistent with the public interest;

(4) provides a current return on construction work in progress, provided that recovery from Minnesota retail customers for the allowance for funds used during construction is not sought through any other mechanism;

(5) allows for recovery of other expenses if shown to promote a least-cost project option or is otherwise in the public interest;

(6) allocates project costs appropriately between wholesale and retail customers;

(7) provides a mechanism for recovery above cost, if necessary to improve the overall economics of the project or projects or is otherwise in the public interest; and

(8) terminates recovery once costs have been fully recovered or have otherwise been reflected in the utility's general rates.

(c) A public utility may file annual rate adjustments to be applied to customer bills paid under the tariff approved in paragraph (b). In its filing, the public utility shall provide:

(1) a description of and context for the facilities included for recovery;

(2) a schedule for implementation of applicable projects;

(3) the utility's costs for these projects;

(4) a description of the utility's efforts to ensure the lowest costs to ratepayers for the project; and

(5) calculations to establish that the rate adjustment is consistent with the terms of the tariff established in paragraph (b).

(d) Upon receiving a filing for a rate adjustment pursuant to the tariff established in paragraph (b), the commission shall approve the annual rate adjustments provided that, after notice and comment, the costs included for recovery through the tariff were or are expected to be prudently incurred and achieve transmission system improvements at the lowest feasible and prudent cost to ratepayers.

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

Sec. 9. Minnesota Statutes 2008, section 216B.16, is amended by adding a subdivision to read:

Subd. 7d. Central Corridor utility zone cost adjustment. (a) The Central Corridor utility zone is the area extending from the Union Depot Station in St. Paul to the proposed multimodal station in Minneapolis along the route of the light rail transit project connecting those two points, and an area extending approximately one-quarter mile from that route and including the entire University of Minnesota, Minneapolis campus.

(b) A public utility that provides retail electric service within the Central Corridor utility zone and that is required to replace, relocate, construct, or install new facilities, may apply to the commission for approval of new facilities in the Central Corridor utility zone and facilities outside the zone that the utility demonstrates must be changed as a direct result of changes within the zone. Facilities proposed under this subdivision may include transmission facilities, distribution facilities, generation facilities, advanced technology-assisted efficiency devices, and energy storage facilities not otherwise subject to section 216B.243, or chapter 216E, 216F, or 216G. Upon approval under paragraph (c), the utility may construct and install the facilities.

(c) The commission may approve the construction and installation of facilities in the Central Corridor mass transit utility zone proposed by a utility under paragraph (b) upon a finding:

(1) that the facilities:

(i) are necessary to provide electric service;

(ii) assist future development of renewable energy, conservation, electric vehicles, and advanced technology-assisted efficiency programs and devices; or

(iii) are exploratory, experimental, or research facilities to advance the use of renewable energy, conservation, electric vehicles, and advanced technology-assisted efficiency programs and devices;

(2) that the utility has engaged in a cooperative process with affected local and state government agencies in the design, planning, or construction of the Central Corridor utility zone project and changes to utility facilities;

(3) that the utility and local units of government have made reasonable efforts to seek federal, state, or private funds that may be available to mass transit and energy projects;

(4) that the utility has made reasonable efforts to minimize the project costs and maximize the value of the facilities to customers;

(5) that the utility has a plan to offer a comprehensive array of programs for residential, commercial, and industrial customers located within the mass transit zone;

(6) that the utility direct existing and planned solar energy programs to develop solar energy along the mass transit utility zone; and

(7) that the utility has made reasonable efforts to apply for federal funds to develop technology-assisted efficiency programs and devices within the mass transit utility zone.

(d) Upon request of the commission, the utility shall submit periodic reports to the commission reviewing the cost and benefits of the facilities constructed within the Central Corridor utility zone and their potential applicability to other areas outside the Central Corridor utility zone.

(e) Notwithstanding any other provision of this chapter, the commission may approve a tariff mechanism for automatic adjustment of charges for new, replaced, or relocated facilities installed under this subdivision in a manner consistent with this subdivision and the standards and procedures contained in subdivision 7b, except that no approval under section 216B.243 or certification under section 216B.2425 is required unless otherwise required by law. This section does not authorize a city-requested facilities surcharge.

(f) For the purpose of this subdivision, "technology-assisted efficiency programs and devices" includes, but is not limited to, infrastructure that integrates digital information and controls technology to improve the reliability, security, and efficiency of the electric grid.

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

Sec. 10. **[216B.1613] STANDARDIZED CONTRACT.**

Within 60 days of the effective date of this section, each utility, as defined in section 216B.1691, subdivision 1, paragraph (b), shall file with the commission a standardized contract form for the purchase of electricity from projects with a nameplate capacity of 5 megawatts or less. The standardized contract form must be similar in all material respects to the standard contract form previously filed with the commission under section 216B.2423, subdivision 3, including any revisions to that contract on file with the commission as of the effective date of this section. After consultation with wind developers and producers, a utility governed by this section may modify the standardized contract currently on file under section 216B.2423 prior to submitting its standard contract form under this section if the modifications are reasonably necessary to account for circumstances that are unique to that particular utility. The commission shall not approve a contract that is not in compliance with this section.

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

Sec. 11. Minnesota Statutes 2008, section 216B.1645, subdivision 2a, is amended to read:

Subd. 2a. **Cost recovery for utility's renewable facilities.** (a) A utility may petition the commission to approve a rate schedule that provides for the automatic adjustment of charges to recover prudently incurred investments, expenses, or costs associated with facilities constructed, owned, or operated by a utility to satisfy the requirements of section 216B.1691, provided those facilities were previously approved by the commission under section 216B.2422 or 216B.243, or were determined by the commission to be reasonable and prudent under section 216B.243, subdivision 9. For facilities not subject to review by the commission under section 216B.2422 or 216B.243, a utility shall petition the commission for eligibility for cost recovery under this section prior to requesting cost recovery for the facility. The commission may approve, or approve as modified, a rate schedule that:

(1) allows a utility to recover directly from customers on a timely basis the costs of qualifying renewable energy projects, including:

- (i) return on investment;
- (ii) depreciation;
- (iii) ongoing operation and maintenance costs;
- (iv) taxes; and

(v) costs of transmission and other ancillary expenses directly allocable to transmitting electricity generated from a project meeting the specifications of this paragraph;

(2) provides a current return on construction work in progress, provided that recovery of these costs from Minnesota ratepayers is not sought through any other mechanism;

(3) allows recovery of other expenses incurred that are directly related to a renewable energy project, including expenses for energy storage, provided that the utility demonstrates to the commission's satisfaction that the expenses improve project economics, ensure project implementation, advance research and understanding of how storage devices may improve renewable energy projects, or facilitate coordination with the development of transmission necessary to transport energy produced by the project to market;

(4) allocates recoverable costs appropriately between wholesale and retail customers;

(5) terminates recovery when costs have been fully recovered or have otherwise been reflected in a utility's rates.

(b) A petition filed under this subdivision must include:

- (1) a description of the facilities for which costs are to be recovered;
- (2) an implementation schedule for the facilities;
- (3) the utility's costs for the facilities;
- (4) a description of the utility's efforts to ensure that costs of the facilities are reasonable and were prudently incurred; and
- (5) a description of the benefits of the project in promoting the development of renewable energy in a manner consistent with this chapter.

Sec. 12. Minnesota Statutes 2008, section 216B.169, subdivision 2, is amended to read:

Subd. 2. **Renewable and high-efficiency energy rate options.** (a) ~~Each~~ A utility ~~shall~~ may offer its customers; ~~and shall advertise the offer at least annually,~~ one or more options that allow a customer to determine that a certain amount of the electricity generated or purchased on behalf of the customer is renewable energy or energy generated by high-efficiency, low-emissions, distributed generation such as fuel cells and microturbines fueled by a renewable fuel.

~~(b) Each public utility shall file an implementation plan within 90 days of July 1, 2001, to implement paragraph (a).~~

~~(e)~~ (b) Rates charged to customers must be calculated using the utility's cost of acquiring the energy for the customer and must:

(1) reflect the difference between the cost of generating or purchasing the additional renewable energy and the cost of generating or purchasing the same amount of nonrenewable energy and the cost that would otherwise be attributed to the customer for the same amount of energy based on the utility's mix of renewable and nonrenewable energy sources; and

(2) be distributed on a per kilowatt-hour basis among all customers who choose to participate in the program.

~~(d) Implementation of these rate options may reflect a reasonable amount of lead time necessary to arrange acquisition of the energy.~~ (c) The utility may acquire the energy demanded by customers, in whole or in part, through procuring or generating the renewable energy directly, or through the purchase of credits from a provider that has received certification of eligible power supply pursuant to subdivision 3. ~~If a utility is not able to arrange an adequate supply of renewable or high efficiency energy to meet its customers' demand under this section, the utility must file a report with the commission detailing its efforts and reasons for its failure.~~

(d) For the purposes of this section, "renewable energy" has the meaning given to "eligible energy technology" in section 216B.1691, subdivision 1, paragraph (a), but does not include energy recovered from combustion of mixed municipal solid waste or refuse-derived fuel from mixed municipal solid waste.

Sec. 13. Minnesota Statutes 2008, section 216B.1691, subdivision 2a, is amended to read:

Subd. 2a. **Eligible energy technology standard.** (a) Except as provided in paragraph (b), each electric utility shall generate or procure sufficient electricity generated by an eligible energy technology to provide its retail customers in Minnesota, or the retail customers of a distribution utility to which the electric utility provides

wholesale electric service, so that at least the following standard percentages of the electric utility's total retail electric sales to retail customers in Minnesota are generated by eligible energy technologies by the end of the year indicated:

(1) 2012	12 percent
(2) 2016	17 percent
(3) 2020	20 percent
(4) 2025	25 percent.

(b) An electric utility that owned a nuclear generating facility as of January 1, 2007, must meet the requirements of this paragraph rather than paragraph (a). An electric utility subject to this paragraph must generate or procure sufficient electricity generated by an eligible energy technology to provide its retail customers in Minnesota or the retail customer of a distribution utility to which the electric utility provides wholesale electric service so that at least the following percentages of the electric utility's total retail electric sales to retail customers in Minnesota are generated by eligible energy technologies by the end of the year indicated:

(1) 2010	15 percent
(2) 2012	18 percent
(3) 2016	25 percent
(4) 2020	30 percent.

Of the 30 percent in 2020, at least 25 percent must be generated by solar energy or wind energy conversion systems and the remaining five percent by other eligible energy technology. Of the 25 percent that must be generated by wind or solar, no more than one percent may be solar generated and the remaining 24 percent or greater must be wind generated.

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

Sec. 14. Minnesota Statutes 2008, section 216B.23, is amended by adding a subdivision to read:

Subd. 1a. **Authority to issue refund.** (a) On determining that a public utility has charged a rate in violation of this chapter, a commission rule, or a commission order, the commission, after conducting a proceeding, may require the public utility to refund to its customers, in a manner approved by the commission, any revenues the commission finds were collected as a result of the unlawful conduct. Any refund authorized by this section is permitted in addition to any remedies authorized by section 216B.16 or any other law governing rates. Exercising authority under this section does not preclude the commission from pursuing penalties under sections 216B.57 to 216B.61 for the same conduct.

(b) This section must not be construed as allowing:

(1) retroactive ratemaking;

(2) refunds based on claims that prior or current approved rates have been unjust, unreasonable, unreasonably preferential, discriminatory, insufficient, inequitable, or inconsistent in application to a class of customers; or

(3) refunds based on claims that approved rates have not encouraged energy conservation or renewable energy use, or have not furthered the goals of section 216B.164, 216B.241, or 216C.05.

(c) A refund under this subdivision does not apply to revenues collected more than six years before the date of the notice of the commission proceeding required under this subdivision.

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

Sec. 15. Minnesota Statutes 2008, section 216B.241, subdivision 1c, is amended to read:

Subd. 1c. **Energy-saving goals.** (a) The commissioner shall establish energy-saving goals for energy conservation improvement expenditures and shall evaluate an energy conservation improvement program on how well it meets the goals set.

(b) Each individual utility and association shall have an annual energy-savings goal equivalent to 1.5 percent of gross annual retail energy sales unless modified by the commissioner under paragraph (d). The savings goals must be calculated based on the most recent three-year weather normalized average. A utility or association may elect to carry forward energy savings in excess of 1.5 percent for a year to the succeeding three calendar years, except that savings from electric utility infrastructure projects allowed under paragraph (d) may be carried forward for five years. A particular energy savings can be used only for one year's goal.

(c) The commissioner must adopt a filing schedule that is designed to have all utilities and associations operating under an energy-savings plan by calendar year 2010.

(d) In its energy conservation improvement plan filing, a utility or association may request the commissioner to adjust its annual energy-savings percentage goal based on its historical conservation investment experience, customer class makeup, load growth, a conservation potential study, or other factors the commissioner determines warrants an adjustment. The commissioner may not approve a plan that provides for an annual energy-savings goal of less than one percent of gross annual retail energy sales from energy conservation improvements.

A utility or association may include in its energy conservation plan energy savings from electric utility infrastructure projects approved by the commission under section 216B.1636 or waste heat recovery converted into electricity projects that may count as energy savings in addition to the minimum energy-savings goal of at least one percent for energy conservation improvements. Electric utility infrastructure projects must result in increased energy efficiency greater than that which would have occurred through normal maintenance activity.

(e) An energy-savings goal is not satisfied by attaining the revenue expenditure requirements of subdivisions 1a and 1b, but can only be satisfied by meeting the energy-savings goal established in this subdivision.

(f) An association or utility is not required to make energy conservation investments to attain the energy-savings goals of this subdivision that are not cost-effective even if the investment is necessary to attain the energy-savings goals. For the purpose of this paragraph, in determining cost-effectiveness, the commissioner shall consider the costs and benefits to ratepayers, the utility, participants, and society. In addition, the commissioner shall consider the rate at which an association or municipal utility is increasing its energy savings and its expenditures on energy conservation.

(g) On an annual basis, the commissioner shall produce and make publicly available a report on the annual energy savings and estimated carbon dioxide reductions achieved by the energy conservation improvement programs for the two most recent years for which data is available. The commissioner shall report on program performance both in the aggregate and for each entity filing an energy conservation improvement plan for approval or review by the commissioner.

(h) By January 15, 2010, the commissioner shall report to the legislature whether the spending requirements under subdivisions 1a and 1b are necessary to achieve the energy-savings goals established in this subdivision.

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

Sec. 16. Minnesota Statutes 2008, section 216B.241, subdivision 5a, is amended to read:

Subd. 5a. **Qualifying solar energy project.** (a) A utility or association may include in its conservation plan programs for the installation of qualifying solar energy projects as defined by section 216B.2411 to the extent of the spending allowed for generation projects by section 216B.2411. The cost-effectiveness of a qualifying solar energy project may be determined by a different standard than for other energy conservation improvements under this section if the commissioner determines it is in the public interest to do so to encourage solar energy projects. Energy savings from qualifying solar energy projects may not be counted toward the minimum energy-savings goal of at least one percent for energy conservation improvements required under subdivision 1c, but may, if the conservation plan is approved:

(1) be counted toward energy savings above that minimum percentage; and

(2) be considered when establishing performance incentives under section 216B.241, subdivision 2c eligible for a performance incentive under section 216B.16, subdivision 6c, or 216B.241, subdivision 2c, that is distinct from the incentive for energy conservation and is based on the competitiveness and cost-effectiveness of solar projects in relation to other potential solar projects available to the utility.

(b) Qualifying solar energy projects may not be considered when establishing demand-side management targets under section 216B.2422, 216B.243, or any other section of this chapter.

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

Sec. 17. Minnesota Statutes 2008, section 216B.241, is amended by adding a subdivision to read:

Subd. 5b. **Biomethane purchases.** (a) A natural gas utility may include in its conservation plan purchases of biomethane, and may use up to five percent of the total amount to be spent on energy conservation improvements under this section for that purpose. The cost-effectiveness of biomethane purchases may be determined by a different standard than for other energy conservation improvements under this section if the commissioner determines that doing so is in the public interest in order to encourage biomethane purchases. Energy savings from purchasing biomethane may not be counted toward the minimum energy-savings goal of at least one percent for energy conservation improvements required under subdivision 1c, but may, if the conservation plan is approved:

(1) be counted toward energy savings above that minimum percentage; and

(2) be considered when establishing performance incentives under subdivision 2c.

(b) For the purposes of this subdivision, "biomethane" means biogas produced through anaerobic digestion of biomass, gasification of biomass, or other effective conversion processes, that is cleaned and purified into biomethane that meets natural gas utility quality specifications for use in a natural gas utility distribution system.

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

Sec. 18. Minnesota Statutes 2008, section 216B.241, subdivision 9, is amended to read:

Subd. 9. **Building performance standards; Sustainable Building 2030.** (a) The purpose of this subdivision is to establish cost-effective energy-efficiency performance standards for new and substantially reconstructed commercial, industrial, and institutional buildings that can significantly reduce carbon dioxide emissions by lowering energy use in new and substantially reconstructed buildings. For the purposes of this subdivision, the establishment of these standards may be referred to as Sustainable Building 2030.

(b) The commissioner shall contract with the Center for Sustainable Building Research at the University of Minnesota to coordinate development and implementation of energy-efficiency performance standards, strategic planning, research, data analysis, technology transfer, training, and other activities related to the purpose of Sustainable Building 2030. The commissioner and the Center for Sustainable Building Research shall, in consultation with utilities, builders, developers, building operators, and experts in building design and technology, develop a Sustainable Building 2030 implementation plan that must address, at a minimum, the following issues:

- (1) training architects to incorporate the performance standards in building design;
- (2) incorporating the performance standards in utility conservation improvement programs; and
- (3) developing procedures for ongoing monitoring of energy use in buildings that have adopted the performance standards.

The plan must be submitted to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over energy policy by July 1, 2009.

(c) Sustainable Building 2030 energy-efficiency performance standards must be firm, quantitative measures of total building energy use and associated carbon dioxide emissions per square foot for different building types and uses, that allow for accurate determinations of a building's conformance with a performance standard. The energy-efficiency performance standards must be updated every three or five years to incorporate all cost-effective measures. The performance standards must reflect the reductions in carbon dioxide emissions per square foot resulting from actions taken by utilities to comply with the renewable energy standards in section 216B.1691. The performance standards should be designed to achieve reductions equivalent to the following reduction schedule, measured against energy consumption by an average building in each applicable building sector in 2003: (1) 60 percent in 2010; (2) 70 percent in 2015; (3) 80 percent in 2020; and (4) 90 percent in 2025. A performance standard must not be established or increased absent a conclusive engineering analysis that it is cost-effective based upon established practices used in evaluating utility conservation improvement programs.

(d) The annual amount of the contract with the Center for Sustainable Building Research is up to \$500,000. The Center for Sustainable Building Research shall expend no more than \$150,000 of this amount each year on administration, coordination, and oversight activities related to Sustainable Building 2030. The balance of contract funds must be spent on substantive programmatic activities allowed under this subdivision that may be conducted by the Center for Sustainable Building Research and others, and for subcontracts with not-for-profit energy organizations, architecture and engineering firms, and other qualified entities to undertake technical projects and activities in support of Sustainable Building 2030. The primary work to be accomplished each year by qualified technical experts under subcontracts is the development and thorough justification of recommendations for specific energy-efficiency performance standards. Additional work may include:

- (1) research, development, and demonstration of new energy-efficiency technologies and techniques suitable for commercial, industrial, and institutional buildings;
- (2) analysis and evaluation of practices in building design, construction, commissioning and operations, and analysis and evaluation of energy use in the commercial, industrial, and institutional sectors;
- (3) analysis and evaluation of the effectiveness and cost-effectiveness of Sustainable Building 2030 performance standards, conservation improvement programs, and building energy codes;
- (4) development and delivery of training programs for architects, engineers, commissioning agents, technicians, contractors, equipment suppliers, developers, and others in the building industries; and

(5) analyze and evaluate the effect of building operations on energy use.

(e) The commissioner shall require utilities to develop and implement conservation improvement programs that are expressly designed to achieve energy efficiency goals consistent with the Sustainable Building 2030 performance standards. These programs must include offerings of design assistance and modeling, financial incentives, and the verification of the proper installation of energy-efficient design components in new and substantially reconstructed buildings. A utility's design assistance program must consider the strategic planting of trees and shrubs around buildings as an energy conservation strategy for the designed project. A utility making an expenditure under its conservation improvement program that results in a building meeting the Sustainable Building 2030 performance standards may claim the energy savings toward its energy-savings goal established in subdivision 1c.

(f) The commissioner shall report to the legislature every three years, beginning January 15, 2010, on the cost-effectiveness and progress of implementing the Sustainable Building 2030 performance standards and shall make recommendations on the need to continue the program as described in this section.

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

Sec. 19. Minnesota Statutes 2008, section 216B.2411, subdivision 1, is amended to read:

Subdivision 1. **Generation projects.** (a) Any municipality or rural electric association providing electric service and subject to section 216B.241 may, and each public utility may, use five percent of the total amount to be spent on energy conservation improvements under section 216B.241, on:

(1) projects in Minnesota to construct an electric generating facility that utilizes eligible renewable energy sources as defined in subdivision 2, such as methane or other combustible gases derived from the processing of plant or animal wastes, biomass fuels such as short-rotation woody or fibrous agricultural crops, or other renewable fuel, as its primary fuel source;

(2) projects in Minnesota to install a distributed generation facility of ten megawatts or less of interconnected capacity that is fueled by natural gas, renewable fuels, or another similarly clean fuel; or

(3) projects in Minnesota to install a qualifying solar energy project as defined in subdivision 2.

(b) A municipality, rural electric association, or public utility that offers a program to customers to promote installing qualifying solar energy projects may request authority from the commissioner to exceed the five percent limit in paragraph (a), but not to exceed ten percent, to meet customer demand for installation of qualifying solar energy projects. In considering this request, the commissioner shall consider customer interest in qualifying solar energy and the impact on other customers. A municipality, rural electric association, or public utility may not participate in a qualifying solar energy project on a property unless it is provided evidence that all reasonable cost-effective conservation investments have previously been made to the property.

~~For public utilities, as defined under section 216B.02, subdivision 4, (c) For a municipality, rural electric association, or public utility, projects under this section must be considered energy conservation improvements as defined in section 216B.241. For cooperative electric associations and municipal utilities, projects under this section must be considered load management activities described in section 216B.241, subdivision 1.~~

Sec. 20. Minnesota Statutes 2008, section 216B.2411, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision and section 216B.241, subdivision 1, have the meanings given them.

(b) "Eligible renewable energy sources" means fuels and technologies to generate electricity through the use of any of the resources listed in section 216B.1691, subdivision 1, paragraph (a), except that the incineration of wastewater sludge is not an eligible renewable energy source, "biomass" has the meaning provided under paragraph (c), and "solar" must be from a qualified solar energy project as defined in paragraph (d).

(c) "Biomass" includes:

- (1) methane or other combustible gases derived from the processing of plant or animal material;
- (2) alternative fuels derived from soybean and other agricultural plant oils or animal fats;
- (3) combustion of barley hulls, corn, soy-based products, or other agricultural products;
- (4) wood residue from the wood products industry in Minnesota or other wood products such as short-rotation woody or fibrous agricultural crops;
- (5) landfill gas;
- (6) the predominantly organic components of wastewater effluent, sludge, or related byproducts from publicly owned treatment works; and
- (7) mixed municipal solid waste, and refuse-derived fuel from mixed municipal solid waste.

(d) "Qualifying solar energy project" means a qualifying solar thermal project or qualifying solar electric project.

(e) "Qualifying solar thermal project" means a flat plate or evacuated tube that meets the requirements of section 216C.25 with a fixed orientation that collects the sun's radiant energy and transfers it to a storage medium for distribution as energy to heat or cool air or water, but does not include equipment used to heat water at a residential property (1) for domestic use if less than one-half of the energy used for that purpose is derived from the sun or (2) for use in a hot tub or swimming pool.

(f) "Qualifying solar electric project" means:

(1) solar electric equipment that: (i) meets the requirements of section 216C.25 with a total; (ii) has a peak generating capacity of 100 kilowatts or less; and (iii) is used for generating to generate electricity primarily for use in a residential property or small business to reduce the effective electric load for that residence or small business, commercial, or publicly owned property or facility; and

(2) if applicable, equipment that is used to store the electricity generated by a qualified solar electric project under clause (1) and that is located proximate to the property or facility using the electricity.

(g) "Residential property" means the principal residence of a homeowner at the time the solar equipment is placed in service.

~~(h) "Small business" has the meaning given to it in section 645.445.~~

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

Sec. 21. Minnesota Statutes 2008, section 216B.2412, subdivision 2, is amended to read:

Subd. 2. **Decoupling criteria.** The commission shall, by order, establish criteria and standards for decoupling. The commission may establish these criteria and standards in a separate proceeding or in a general rate case or other proceeding in which it approves a pilot program, and shall design the criteria and standards to mitigate the impact on

public utilities of the energy-savings goals under section 216B.241 without adversely affecting utility ratepayers. In designing the criteria, the commission shall consider energy efficiency, weather, and cost of capital, among other factors.

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

Sec. 22. Minnesota Statutes 2008, section 216B.2424, subdivision 5a, is amended to read:

Subd. 5a. **Reduction of biomass mandate.** (a) Notwithstanding subdivision 5, the biomass electric energy mandate must be reduced from 125 megawatts to 110 megawatts.

(b) The Public Utilities Commission shall approve a request pending before the commission as of May 15, 2003, for amendments to and assignment of a power purchase agreement with the owner of a facility that uses short-rotation, woody crops as its primary fuel previously approved to satisfy a portion of the biomass mandate if the owner of the project agrees to reduce the size of its project from 50 megawatts to 35 megawatts, while maintaining an average price for energy in nominal dollars measured over the term of the power purchase agreement at or below \$104 per megawatt-hour, exclusive of any price adjustments that may take effect subsequent to commission approval of the power purchase agreement, as amended. The commission shall also approve, as necessary, any subsequent assignment or sale of the power purchase agreement or ownership of the project to an entity owned or controlled, directly or indirectly, by two municipal utilities located north of Constitutional Route No. 8, as described in section 161.114, which currently own electric and steam generation facilities using coal as a fuel and which propose to retrofit their existing municipal electrical generating facilities to utilize biomass fuels in order to perform the power purchase agreement.

(c) If the power purchase agreement described in paragraph (b) is assigned to an entity that is, or becomes, owned or controlled, directly or indirectly, by two municipal entities as described in paragraph (b), and the power purchase agreement meets the price requirements of paragraph (b), the commission shall approve any amendments to the power purchase agreement necessary to reflect the changes in project location and ownership and any other amendments made necessary by those changes. The commission shall also specifically find that:

(1) the power purchase agreement complies with and fully satisfies the provisions of this section to the full extent of its 35-megawatt capacity;

(2) all costs incurred by the public utility and all amounts to be paid by the public utility to the project owner under the terms of the power purchase agreement are fully recoverable pursuant to section 216B.1645;

(3) subject to prudence review by the commission, the public utility may recover from its Minnesota retail customers the Minnesota jurisdictional portion of the amounts that may be incurred and paid by the public utility during the full term of the power purchase agreement; and

(4) if the purchase power agreement meets the requirements of this subdivision, it is reasonable and in the public interest.

(d) The commission shall specifically approve recovery by the public utility of any and all Minnesota jurisdictional costs incurred by the public utility to improve, construct, install, or upgrade transmission, distribution, or other electrical facilities owned by the public utility or other persons in order to permit interconnection of the retrofitted biomass-fueled generating facilities or to obtain transmission service for the energy provided by the facilities to the public utility pursuant to section 216B.1645, and shall disapprove any provision in the power purchase agreement that requires the developer or owner of the project to pay the jurisdictional costs or that permit the public utility to terminate the power purchase agreement as a result of the existence of those costs or the public utility's obligation to pay any or all of those costs.

(e) Upon request by the project owner, the public utility shall agree to amend the power purchase agreement described in paragraph (b) and approved by the commission as required by paragraph (c). The amendment must be negotiated and executed within 45 days of the effective date of this section and must apply to prices paid after January 1, 2009. The average price for energy in nominal dollars measured over the term of the power purchase agreement must not exceed \$104 per megawatt hour by more than five percent. The public utility shall request approval of the amendment by the commission within 30 days of execution of the amended power purchase agreement. The amendment is not effective until approval by the commission. The commission shall act on the amendment within 90 days of submission of the request by the public utility. Upon approval of the amended power purchase agreement, the commission shall allow the public utility to recover the costs of the amended power purchase agreement, as provided in section 216B.1645.

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

Sec. 23. Minnesota Statutes 2008, section 216B.243, subdivision 8, is amended to read:

Subd. 8. **Exemptions.** This section does not apply to:

(1) cogeneration or small power production facilities as defined in the Federal Power Act, United States Code, title 16, section 796, paragraph (17), subparagraph (A), and paragraph (18), subparagraph (A), and having a combined capacity at a single site of less than 80,000 kilowatts; plants or facilities for the production of ethanol or fuel alcohol; or any case where the commission has determined after being advised by the attorney general that its application has been preempted by federal law;

(2) a high-voltage transmission line proposed primarily to distribute electricity to serve the demand of a single customer at a single location, unless the applicant opts to request that the commission determine need under this section or section 216B.2425;

(3) the upgrade to a higher voltage of an existing transmission line that serves the demand of a single customer that primarily uses existing rights-of-way, unless the applicant opts to request that the commission determine need under this section or section 216B.2425;

(4) a high-voltage transmission line of one mile or less required to connect a new or upgraded substation to an existing, new, or upgraded high-voltage transmission line;

(5) conversion of the fuel source of an existing electric generating plant to using natural gas; or

(6) the modification of an existing electric generating plant to increase efficiency, as long as the capacity of the plant is not increased more than ten percent or more than 100 megawatts, whichever is greater; ~~or~~

~~(7) a large energy facility that (i) generates electricity from wind energy conversion systems, (ii) will serve retail customers in Minnesota, (iii) is specifically intended to be used to meet the renewable energy objective under section 216B.1691 or addresses a resource need identified in a current commission approved or commission-reviewed resource plan under section 216B.2422, and (iv) derives at least ten percent of the total nameplate capacity of the proposed project from one or more C-BED projects, as defined under section 216B.1612, subdivision 2, paragraph (f).~~

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

Sec. 24. Minnesota Statutes 2008, section 216B.243, subdivision 9, is amended to read:

Subd. 9. **Renewable energy standard facilities.** ~~The requirements of~~ This section ~~do~~ does not apply to a wind energy conversion system or a solar electric generation facility that is intended to be used to meet ~~or exceed~~ the obligations of section 216B.1691; provided that, after notice and comment, the commission determines that the facility is a reasonable and prudent approach to meeting a utility's obligations under that section. When making this determination, the commission ~~may~~ must consider:

(1) the size of the facility relative to a utility's total need for renewable resources ~~and~~;

(2) alternative approaches for supplying the renewable energy to be supplied by the proposed facility, ~~and must~~ consider;

(3) the facility's ability to promote economic development, as required under section 216B.1691, subdivision 9;

(4) the facility's ability to maintain electric system reliability ~~and consider~~;

(5) impacts on ratepayers; and

(6) other criteria as the commission may determine are relevant.

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

Sec. 25. Minnesota Statutes 2008, section 216B.62, subdivision 3, is amended to read:

Subd. 3. **Assessing all public utilities.** The department and commission shall quarterly, at least 30 days before the start of each quarter, estimate the total of their expenditures in the performance of their duties relating to (1) public utilities under section 216A.085, sections 216B.01 to 216B.67, other than amounts chargeable to public utilities under subdivision 2 ~~or~~, 6, or 7 and (2) alternative energy engineering activity under section 216C.261. The remainder, except the amount assessed against cooperatives and municipalities for alternative energy engineering activity under subdivision 5, shall be assessed by the commission and department to the several public utilities in proportion to their respective gross operating revenues from retail sales of gas or electric service within the state during the last calendar year. The assessment shall be paid into the state treasury within 30 days after the bill has been transmitted via mail, personal delivery, or electronic service to the several public utilities, which shall constitute notice of the assessment and demand of payment thereof. The total amount which may be assessed to the public utilities, under authority of this subdivision, shall not exceed one-sixth of one percent of the total gross operating revenues of the public utilities during the calendar year from retail sales of gas or electric service within the state. The assessment for the third quarter of each fiscal year shall be adjusted to compensate for the amount by which actual expenditures by the commission and department for the preceding fiscal year were more or less than the estimated expenditures previously assessed.

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

Sec. 26. Minnesota Statutes 2008, section 216B.62, subdivision 4, is amended to read:

Subd. 4. **Objections.** Within 30 days after the date of the transmittal of any bill as provided by subdivisions 2 ~~and~~, 3, ~~and~~ 7 the public utility against which the bill has been rendered may file with the commission objections setting out the grounds upon which it is claimed the bill is excessive, erroneous, unlawful or invalid. The commission shall within 60 days hold a hearing and issue an order in accordance with its findings. The order shall be appealable in the same manner as other final orders of the commission.

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

Sec. 27. Minnesota Statutes 2008, section 216B.62, is amended by adding a subdivision to read:

Subd. 7. **Audit investigation costs.** The audit investigation account is created as a separate account in the special revenue fund in the state treasury. If the commission, in a proceeding upon its own motion, on complaint, or upon an application to it, determines that it is necessary, in order to carry out its duties imposed under this chapter or chapter 216, 216A, 216E, 216F, or 216G, to conduct an investigation or audit of any public utility operations, practices, or policies requiring specialized technical professional investigative services for the inquiry, the commission may request the commissioner of commerce to seek authority from the commissioner of finance to incur costs reasonably attributable to the specialized services. If the investigation or audit is approved by the commissioner of finance, the commissioner of commerce shall carry out the investigation in the manner directed by the commission and shall render separate bills to the public utility for the costs incurred for such technical professional investigative services. The bill constitutes notice of the assessment and demand for payment. The amount assessed must be paid by the public utility to the commissioner of commerce within 30 days after the date of assessment. Money received under this subdivision must be deposited in the state treasury and credited to the audit investigation account, and is appropriated to the commissioner of commerce for the purposes of this subdivision.

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

Sec. 28. **[216C.054] ANNUAL TRANSMISSION ADEQUACY REPORT TO LEGISLATURE.**

The commissioner of commerce, in consultation with the Public Utilities Commission, shall annually by January 15 submit a written report to the chairs and the ranking minority members of the legislative committees with primary jurisdiction over energy policy that contains a narrative describing what electric transmission infrastructure is needed within the state over the next 15 years and what specific progress is being made to meet that need. To the extent possible, the report must contain a description of specific transmission needs and the current status of proposals to address that need. The report must identify any barriers to meeting transmission infrastructure needs and make recommendations, including any legislation, that are necessary to overcome those barriers. The report must be based on the best available information and must describe what assumptions are made as the basis for the report. If the commissioner determines that there are difficulties in accurately assessing future transmission infrastructure needs, the commissioner shall explain those difficulties as part of the report. The commissioner is not required to conduct original research to support the report. The commissioner may utilize information the commissioner, the commission, and the Office of Energy Security possess and utilize in carrying out their existing statutory duties related to the state's transmission infrastructure. The report must be in easily understood, nontechnical terms.

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

Sec. 29. **[216C.055] KEY ROLE OF SOLAR AND BIOMASS RESOURCES IN PRODUCING THERMAL ENERGY.**

The annual legislative proposals required to be submitted by the commissioners of commerce and the Pollution Control Agency under section 216H.07, subdivision 4, must include proposals regarding the use of solar energy and the combustion of grasses, agricultural wastes, trees, and other vegetation to produce thermal energy for heating commercial, industrial, and residential buildings and for industrial processes if the commissioners determine that such policies are appropriate to achieve the state's greenhouse gas emissions reduction goals. No legal claim against any person is allowed under this section. This section does not apply to the combustion of municipal solid waste or refuse-derived fuel to produce thermal energy. For purposes of this section, removal of woody biomass from publicly owned forests must be consistent with the principles of sustainable forest management.

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

Sec. 30. Minnesota Statutes 2008, section 216C.11, is amended to read:

216C.11 ENERGY CONSERVATION INFORMATION CENTER.

The commissioner shall establish an Energy Information Center in the department's offices in St. Paul. The information center shall maintain a toll-free telephone information service and disseminate printed materials on energy conservation topics, including but not limited to, availability of loans and other public and private financing methods for energy conservation physical improvements, the techniques and materials used to conserve energy in buildings, including retrofitting or upgrading insulation and installing weatherstripping, the projected prices and availability of different sources of energy, and alternative sources of energy.

The Energy Information Center shall serve as the official Minnesota Alcohol Fuels Information Center and shall disseminate information, printed, by the toll-free telephone information service, or otherwise on the applicability and technology of alcohol fuels.

The information center shall include information on the potential hazards of energy conservation techniques and improvements in the printed materials disseminated. The commissioner shall not be liable for damages arising from the installation or operation of equipment or materials recommended by the information center.

The information center shall use the information collected under section 216C.02, subdivision 1, to maintain a central source of information on conservation and other energy-related programs, including both programs required by law or rule and programs developed and carried on voluntarily. In particular, the information center shall compile and maintain information on policies covering disconnections or denials of fuel during cold weather adopted by public utilities and other fuel suppliers not governed by ~~Minnesota Rules, parts 7820.1500 to 7820.2300~~ section 216B.096 or 216B.097, including the number of households disconnected or denied fuel and the duration of the disconnections or denials.

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

Sec. 31. Minnesota Statutes 2008, section 216C.41, subdivision 5a, is amended to read:

Subd. 5a. **Renewable development account.** The Department of Commerce shall authorize payment of the renewable energy production incentive to wind energy conversion systems ~~for 200 megawatts of nameplate capacity and~~ that are eligible under this section or Laws 2005, chapter 40, to on-farm biogas recovery facilities, and to hydroelectric facilities. Payment of the incentive shall be made from the renewable energy development account as provided under section 116C.779, subdivision 2.

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

Sec. 32. **NATURAL GAS UTILITIES; INTERIM ENERGY SAVINGS PLAN.**

(a) The commissioner of commerce may approve an energy conservation improvement plan under Minnesota Statutes, section 216B.241, subdivision 1c, paragraph (d), that:

- (1) is submitted to the commissioner in calendar year 2009 by a utility that provides natural gas service at retail;
- (2) governs the conservation improvements to be undertaken by the utility over the next three-year time period; and
- (3) is accompanied by a study that specifies how the utility may:

(i) average savings of at least 0.75 percent over the three years following submission of the plan;

(ii) meet and exceed the minimum energy savings goal of one percent of gross annual retail sales within five years of submission of the plan; and

(iii) achieve average annual savings of at least one percent over years four through nine following submission of the plan.

(b) The plan must include projections of the total amount spent by the utility to achieve energy savings each year and the cost per unit of energy saved.

(c) Nothing in this section precludes the commissioner from requiring additional energy conservation improvement activities and programs beyond those proposed by a utility in its proposed plan so long as those additional activities and programs meet the requirements of Minnesota Statutes, section 216B.241. The commissioner shall require all reasonable actions by a utility that will increase the likelihood of the utility's meeting and exceeding the minimum one percent energy savings goal and the 1.5 percent goal as soon as reasonably feasible.

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

Sec. 33. **UTILITY RATES STUDY.**

The Public Utilities Commission, in consultation with the Office of Energy Security, shall conduct a study of automatic cost-recovery mechanisms and alternative forms of utility rate regulation. This study shall include an assessment of the impact of automatic cost-recovery mechanisms on prices charged to utility consumers compared to traditional cost-recovery mechanisms, an assessment of the impact of automatic recovery mechanisms on the level of customer understanding of utility rates compared to traditional cost-recovery mechanisms, and an assessment of alternative forms of utility rate regulation that may be used in place of automatic cost-recovery mechanisms. The study shall also address methods to improve administration and customer understanding of automatic cost-recovery mechanisms. The commission shall submit this report to the legislature on or before June 30, 2010. The commission may assess public utilities for the cost of the study. The assessment is not subject to a cap on assessments provided by section 216B.62 or any other law.

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

Sec. 34. **MOUNTAIN IRON ECONOMIC DEVELOPMENT AUTHORITY; WIND ENERGY PROJECT.**

(a) The Mountain Iron Economic Development Authority may form or become a member of a limited liability company organized under Minnesota Statutes, chapter 322B, for the purpose of developing a community-based energy development project pursuant to Minnesota Statutes, section 216B.1612. A limited liability company formed or joined under this section is subject to the open meeting requirements established in Minnesota Statutes, chapter 13D. A project authorized by this section may not sell, transmit, or distribute the electrical energy at retail or provide for end use of the electricity to an off-site facility of the economic development corporation or the limited liability company. Nothing in this section modifies the exclusive service territories or exclusive right to serve as provided in Minnesota Statutes, sections 216B.37 to 216B.43.

(b) The authority may acquire a leasehold interest in property outside its corporate boundaries for the purpose of developing a community-based energy development project as provided in Minnesota Statutes, section 216B.1612.

EFFECTIVE DATE. This section is effective the day after the city of Mountain Iron and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 35. SOLAR CITIES REPORT.

The cities of Minneapolis and St. Paul, designated as solar cities under the federal Department of Energy's Solar America Initiative, shall, by October 1, 2009, and October 1, 2010, submit a report to the cochairs of the Legislative Energy Commission containing strategies to accelerate the rate of solar thermal and solar electric energy installations in all building types throughout the state. The report must, at a minimum, address the following issues:

(1) identify legal, administrative, financial, and operational barriers to increasing the installation of solar energy, and measures to overcome them;

(2) identify financial and regulatory mechanisms that stimulate the development of solar energy;

(3) identify ways to link solar energy development with energy conservation and energy efficiency strategies and programs;

(4) how efforts and initiatives undertaken by St. Paul and Minneapolis can be integrated with activities undertaken in other parts of the state; and

(5) how projected trends in solar technologies and the costs of solar generation can be integrated into the state's strategy to advance adoption of solar energy.

In preparing these reports, the cities may confer with any person whose experience and expertise will assist in preparing the reports, including utilities, businesses providing solar energy installation services, nonprofit organizations promoting solar energy, and others.

Sec. 36. CANCELLATION AND APPROPRIATION.

(a) Of the amount remaining from the appropriation to the commissioner of commerce to provide competitive, cost-share grants to fund renewable energy research in this state under Laws 2007, chapter 57, article 2, section 3, subdivision 6, \$750,000 is canceled to the special revenue fund.

(b) \$750,000 in fiscal year 2010 is appropriated from the special revenue fund to the commissioner of commerce for a onetime grant to BioBusiness Alliance of Minnesota for bioscience business development programs to promote and position the state as a global leader in bioscience business activities. These funds may be used to create, recruit, retain, and expand biobusiness activity in Minnesota; implement the destination 2025 statewide plan; update a statewide assessment of the bioscience industry and the competitive position of Minnesota-based bioscience businesses relative to other states and other nations; and develop and implement business and scenario-planning models to create, recruit, retain, and expand biobusiness activity in Minnesota.

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

Sec. 37. REVISOR'S INSTRUCTION.

(a) The revisor of statutes shall replace the phrase "parts 7820.1500 to 7820.2300" in Minnesota Rules, part 7826.0200, with the phrase "Minnesota Statutes, sections 216B.096 and 216B.097."

(b) The revisor of statutes shall replace the phrase "chapter 7820" in Minnesota Rules, part 7826.1500, item B, with the phrase "Minnesota Statutes, sections 216B.096 and 216B.097."

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

Sec. 38. **REPEALER.**

Laws 2007, chapter 3, section 3, is repealed."

Delete the title and insert:

"A bill for an act relating to energy; providing for energy conservation; regulating utilities and utility rates; modifying or adding provisions relating to renewable energy production incentives and initiatives, high-voltage transmission lines, central corridor utility zone cost adjustments, contracts, renewable energy purchases, decoupling criteria, certain appraisal fees, energy conservation, utility costs and refunds, renewable and high-efficiency energy rate options, solar energy, utility energy savings, biomethane purchases, Sustainable Building 2030, certificate of need exemptions, energy facilities, renewable development account, and Mountain Iron Economic Development Authority; providing for audit investigation costs and appropriating money; requiring studies, legislative reports and proposals; cancelling appropriations; appropriating money; amending Minnesota Statutes 2008, sections 116C.779, subdivision 2, by adding a subdivision; 117.189; 216A.03, subdivision 6, by adding a subdivision; 216B.16, subdivisions 2, 6c, 7b, by adding a subdivision; 216B.1645, subdivision 2a; 216B.169, subdivision 2; 216B.1691, subdivision 2a; 216B.23, by adding a subdivision; 216B.241, subdivisions 1c, 5a, 9, by adding a subdivision; 216B.2411, subdivisions 1, 2; 216B.2412, subdivision 2; 216B.2424, subdivision 5a; 216B.243, subdivisions 8, 9; 216B.62, subdivisions 3, 4, by adding a subdivision; 216C.11; 216C.41, subdivision 5a; proposing coding for new law in Minnesota Statutes, chapters 216B; 216C; repealing Laws 2007, chapter 3, section 3."

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

Senate Conferees: YVONNE PRETTNER SOLON, JOHN DOLL, D. SCOTT DIBBLE and DAN SPARKS.

House Conferees: BILL HILTY, ANDREW FALK, SHELDON JOHNSON and JEREMY KALIN.

Hilty moved that the report of the Conference Committee on S. F. No. 550 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

CALL OF THE HOUSE

On the motion of Seifert and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Demmer	Greiling	Kahn	Loeffler	Newton
Anderson, P.	Dettmer	Gunther	Kalin	Loon	Nornes
Anderson, S.	Dill	Hackbarth	Kath	Mack	Norton
Anzelc	Dittrich	Hansen	Kelly	Magnus	Obermueller
Beard	Doepke	Hausman	Kiffmeyer	Mariani	Olin
Benson	Doty	Haws	Knuth	Marquart	Otreмба
Bigham	Drazkowski	Hayden	Koenen	Masin	Paymar
Bly	Eastlund	Hilty	Kohls	McFarlane	Pelowski
Brod	Eken	Holberg	Laine	McNamara	Peppin
Brown	Falk	Hornstein	Lanning	Morgan	Persell
Brynaert	Faust	Hortman	Lenczewski	Morrow	Peterson
Carlson	Fritz	Howes	Lesch	Mullery	Poppe
Cornish	Gardner	Jackson	Liebling	Murdock	Reinert
Davids	Garofalo	Johnson	Lieder	Murphy, M.	Rosenthal
Dean	Gottwalt	Juhnke	Lillie	Nelson	Rukavina

Ruud	Seifert	Slawik	Swails	Urdahl	Winkler
Sailer	Sertich	Slocum	Thao	Wagenius	Zellers
Sanders	Severson	Smith	Thissen	Ward	Spk. Kelliher
Scalze	Shimanski	Solberg	Tillberry	Welti	
Scott	Simon	Sterner	Torkelson	Westrom	

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

S. F. No. 550, A bill for an act relating to energy; providing for energy conservation; regulating utility rates; removing prohibition on issuing certificate of need for new nuclear power plant; providing for various Legislative Energy Commission studies; regulating utilities; amending Minnesota Statutes 2008, sections 216A.03, subdivision 6, by adding a subdivision; 216B.16, subdivisions 2, 6c, 7b, by adding a subdivision; 216B.1645, subdivision 2a; 216B.169, subdivision 2; 216B.1691, subdivision 2a; 216B.23, by adding a subdivision; 216B.241, subdivisions 1c, 5a, 9; 216B.2411, subdivisions 1, 2; 216B.2424, subdivision 5a; 216B.243, subdivisions 3b, 8, 9; 216C.11; proposing coding for new law in Minnesota Statutes, chapter 216C; repealing Laws 2007, chapter 3, section 3.

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 95 yeas and 36 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

CALL OF THE HOUSE LIFTED

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Sertich.

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

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate accedes to the request of the house for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1760, A bill for an act relating to human services; changing provisions for long-term care, adverse health care events, suicide prevention, doula services, developmental disabilities, mental health commitment, alternative care services, self-directed options, nursing facilities, ICF/MR facilities, and data management; requiring a safe patient handling plan; establishing a health department work group and an Alzheimer's disease work group; amending Minnesota Statutes 2008, sections 43A.318, subdivision 2; 62Q.525, subdivision 2; 144.7065, subdivisions 8, 10; 145.56, subdivisions 1, 2; 148.995, subdivisions 2, 4; 182.6551; 182.6552, by adding a subdivision; 252.27, subdivision 1a; 252.282, subdivisions 3, 5; 253B.095, subdivision 1; 256B.0657, subdivision 5; 256B.0913, subdivisions 4, 5a, 12; 256B.0915, subdivision 2; 256B.431, subdivision 10; 256B.433, subdivision 1; 256B.441, subdivisions 5, 11; 256B.5011, subdivision 2; 256B.5012, subdivisions 6, 7; 256B.5013, subdivisions 1, 6; 256B.69, subdivision 9b; 403.03; 626.557, subdivision 12b; proposing coding for new law in Minnesota Statutes, chapter 182; repealing Minnesota Statutes 2008, section 256B.5013, subdivisions 2, 3, 5.

The Senate has appointed as such committee:

Senators Lourey, Marty, Higgins, Prettner Solon and Fischbach.

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 accedes to the request of the house for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2251, A bill for an act relating to state government finance; providing federal stimulus oversight funding for certain state agencies; establishing a fiscal stabilization account; appropriating money.

The Senate has appointed as such committee:

Senators Cohen, Clark, Berglin, Pappas and Frederickson.

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 refuses to concur in the House amendments to the following Senate File:

S. F. No. 722, A bill for an act relating to public safety; requiring that information on persons civilly committed, found not guilty by reason of mental illness, or incompetent to stand trial be transmitted to the federal National Instant Criminal Background Check System; authorizing certain persons prohibited under state law from possessing a firearm to petition a court for restoration of this right; amending Minnesota Statutes 2008, section 624.713, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 253B.

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

Senators Kelash, Moua and Ingebrigtsen.

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

Lesch 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. 722. 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. 1331, A bill for an act relating to elections; moving the state primary from September to June and making conforming changes; updating certain ballot and voting system requirements; changing certain election administration provisions; authorizing early voting; expanding requirements and authorizations for postsecondary institutions to report resident student information to the secretary of state for voter registration purposes; changing certain absentee ballot requirements and provisions; requiring a special election for certain vacancies in nomination;

changing the special election requirements for vacancies in Congressional offices; requiring an affidavit of candidacy to state the candidate's residence address and telephone number; changing municipal precinct and ward boundary requirements for certain cities; imposing additional requirements on polling place challengers; changing certain caucus and campaign provisions; amending Minnesota Statutes 2008, sections 10A.31, subdivision 6; 10A.321; 10A.322, subdivision 1; 10A.323; 103C.305, subdivisions 1, 3; 135A.17, subdivision 2; 201.016, subdivisions 1a, 2; 201.022, subdivision 1; 201.056; 201.061, subdivisions 1, 3; 201.071, subdivision 1; 201.091, by adding a subdivision; 201.11; 201.12; 201.13; 202A.14, subdivision 3; 203B.001; 203B.01, by adding a subdivision; 203B.02, subdivision 3; 203B.03, subdivision 1; 203B.04, subdivisions 1, 6; 203B.05; 203B.06, subdivisions 3, 5; 203B.07, subdivisions 2, 3; 203B.08, subdivisions 2, 3, by adding a subdivision; 203B.081; 203B.085; 203B.11, subdivision 1; 203B.12; 203B.125; 203B.16, subdivision 2; 203B.17, subdivision 1; 203B.19; 203B.21, subdivision 2; 203B.22; 203B.225, subdivision 1; 203B.227; 203B.23, subdivision 2; 203B.24, subdivision 1; 203B.26; 204B.04, subdivisions 2, 3; 204B.06, by adding a subdivision; 204B.07, subdivision 1; 204B.09, subdivisions 1, 3; 204B.11, subdivision 2; 204B.13, subdivisions 1, 2, by adding subdivisions; 204B.135, subdivisions 1, 3, 4; 204B.14, subdivisions 2, 3, 4, by adding a subdivision; 204B.16, subdivision 1; 204B.18; 204B.21, subdivision 1; 204B.22, subdivisions 1, 2; 204B.24; 204B.27, subdivisions 2, 3; 204B.28, subdivision 2; 204B.33; 204B.35, subdivision 4; 204B.44; 204B.45, subdivision 2; 204B.46; 204C.02; 204C.04, subdivision 1; 204C.06, subdivision 1; 204C.07, subdivisions 3a, 4; 204C.08; 204C.10; 204C.12, subdivision 2; 204C.13, subdivisions 2, 3, 5, 6; 204C.17; 204C.19, subdivision 2; 204C.20, subdivisions 1, 2; 204C.21; 204C.22, subdivisions 3, 4, 6, 7, 10, 13; 204C.24, subdivision 1; 204C.25; 204C.26; 204C.27; 204C.28, subdivision 3; 204C.30, by adding subdivisions; 204C.33, subdivisions 1, 3; 204C.35, subdivisions 1, 2, by adding a subdivision; 204C.36, subdivisions 1, 3, 4; 204C.37; 204D.03, subdivisions 1, 3; 204D.04, subdivision 2; 204D.05, subdivision 3; 204D.07; 204D.08; 204D.09, subdivision 2; 204D.10, subdivisions 1, 3; 204D.11, subdivision 1; 204D.12; 204D.13; 204D.16; 204D.165; 204D.17; 204D.19; 204D.20, subdivision 1; 204D.25, subdivision 1; 205.065, subdivisions 1, 2; 205.07, by adding a subdivision; 205.075, subdivision 1; 205.13, subdivisions 1, 1a, 2; 205.16, subdivisions 2, 3, 4; 205.17, subdivisions 1, 3, 4, 5; 205.185, subdivision 3, by adding a subdivision; 205.84, subdivisions 1, 2; 205A.03, subdivisions 1, 2; 205A.05, subdivisions 1, 2; 205A.06, subdivision 1a; 205A.07, subdivisions 2, 3; 205A.08, subdivisions 1, 3, 4; 205A.10, subdivisions 2, 3, by adding a subdivision; 205A.11, subdivision 3; 206.56, subdivision 3; 206.57, subdivision 6; 206.82, subdivision 2; 206.83; 206.84, subdivision 3; 206.86, subdivision 6; 206.89, subdivisions 2, 3; 206.90, subdivisions 9, 10; 208.03; 208.04; 211B.045; 211B.11, by adding a subdivision; 211B.20, subdivisions 1, 2; 412.02, subdivision 2a; 414.02, subdivision 4; 414.031, subdivision 6; 414.0325, subdivisions 1, 4; 414.033, subdivision 7; 447.32, subdivision 4; Laws 2005, chapter 162, section 34, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 202A; 203B; 204B; 204C; 204D; 205; 205A; repealing Minnesota Statutes 2008, sections 3.22; 201.096; 203B.04, subdivision 5; 203B.10; 203B.11, subdivision 2; 203B.13, subdivisions 1, 2, 3, 4; 203B.25; 204B.12, subdivision 2a; 204B.13, subdivisions 4, 5, 6; 204B.22, subdivision 3; 204B.36; 204B.37; 204B.38; 204B.39; 204B.41; 204B.42; 204C.07, subdivision 3; 204C.13, subdivision 4; 204C.20, subdivision 3; 204C.23; 204D.05, subdivisions 1, 2; 204D.10, subdivision 2; 204D.11, subdivisions 2, 3, 4, 5, 6; 204D.14, subdivisions 1, 3; 204D.15, subdivisions 1, 3; 204D.169; 204D.28; 205.17, subdivision 2; 206.56, subdivision 5; 206.57, subdivision 7; 206.61, subdivisions 1, 3, 4, 5; 206.62; 206.805, subdivision 2; 206.84, subdivisions 1, 6, 7; 206.86, subdivisions 1, 2, 3, 4, 5; 206.90, subdivisions 3, 5, 6, 7, 8; 206.91; Minnesota Rules, part 8230.4365, subpart 5.

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

Senators Sieben, Rest, Pappas, Higgins and Bonoff.

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

Winkler moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 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. 1331. 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. 1503, A bill for an act relating to human services; changing child welfare provisions; modifying provisions governing adoption records; amending Minnesota Statutes 2008, sections 13.46, subdivision 2; 256.01, subdivision 14b; 259.52, subdivisions 2, 6; 259.89, subdivisions 1, 2, 4, by adding a subdivision; 260.012; 260.93; 260B.007, subdivision 7; 260B.157, subdivision 3; 260B.198, subdivision 1; 260C.007, subdivisions 18, 25; 260C.151, subdivisions 1, 2, 3, by adding a subdivision; 260C.163, by adding a subdivision; 260C.175, subdivision 1; 260C.176, subdivision 1; 260C.178, subdivisions 1, 3; 260C.201, subdivisions 1, 3, 5, 11; 260C.209, subdivision 3; 260C.212, subdivisions 1, 2, 4, 4a, 5, 7; 260D.02, subdivision 5; 260D.03, subdivision 1; 260D.07; 484.76, subdivision 2; Laws 2008, chapter 361, article 6, section 58; proposing coding for new law in Minnesota Statutes, chapter 260C; repealing Minnesota Statutes 2008, section 260C.209, subdivision 4.

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

Senators Torres Ray, Moua and Limmer.

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

Hosch 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. 1503. The motion prevailed.

CALENDAR FOR THE DAY

S. F. No. 1436, A bill for an act relating to human services; modifying provisions relating to the Minnesota sex offender program; creating additional oversight to the Minnesota sex offender program; creating a client grievance process; allowing access to the statewide supervision system; making changes to the vocational work program; requiring a report; imposing criminal penalties; amending Minnesota Statutes 2008, sections 13.04, by adding a subdivision; 16C.10, subdivision 5; 168.012, subdivision 1; 241.065, subdivision 2; 246B.01, by adding subdivisions; 246B.02; 246B.03; 246B.04, by adding a subdivision; 246B.05; 246B.06; 609.485, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapter 246B.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Beard	Bly	Brynaert	Carlson
Anderson, B.	Anzelc	Benson	Brod	Buesgens	Clark
Anderson, P.	Atkins	Bigham	Brown	Bunn	Cornish

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

The bill was passed and its title agreed to.

H. F. No. 702 was reported to the House.

Hilstrom moved to amend H. F. No. 702, the first engrossment, as follows:

Page 1, after line 5, insert:

"Section 1. **[16A.89] PILOT PROJECT TO STUDY AND REPORT ON MONEY USED TO SUPPORT CHILDREN.**

Subdivision 1. **Resource map.** (a) After soliciting public input as required by paragraph (b), the commissioner shall use existing resources available to the department to design and oversee a pilot project to map all state expenditures, regardless of source, that serve the primary function of supporting the health, safety, stability, growth, development, and education of children in this state. For purposes of this section, "children" includes individuals under 21 years of age.

(b) The commissioner shall solicit public input regarding the resource mapping required by this section by providing public notice of the mapping project and subsequent revisions on the Department of Finance Web site. The commissioner shall provide an opportunity for members of the public to provide suggestions for the design and development of the project. In particular, the commissioner shall seek suggestions and comments from individuals who have conducted relevant research at higher education institutions and from individuals with relevant experience at nonprofit institutions and foundations.

(c) The resource mapping must include, but is not limited to:

(1) an inventory of all federal and state funding sources that support children in this state, including prenatal services for pregnant women, grouped in a manner that would assist the legislature in determining whether there are overlapping programs that lead to duplication within the state, gaps in service delivery, and any administrative inefficiencies generally; and

(2) a description of the manner in which the money is being used within the agencies or organizations, the performance measures in place to assess the use of the money, and the intended outcomes of the programs and services, to the extent this information is available.

Subd. 2. **Updates.** As part of the report required under subdivision 4, the commissioner shall provide a description of the experience gained from the pilot project, including any necessary draft legislation regarding possible updates and enhancements to the map of the money used to support children in the state, and an opinion regarding the potential for expanding resource mapping to other areas of the state budget.

Subd. 3. **Agency assistance.** Upon request, each state department or agency shall provide assistance to the commissioner for the purposes of this section.

Subd. 4. **Report.** By January 15, 2010, the commissioner shall report to the legislative committees and budget divisions with jurisdiction over children, family security, education, health, human services, housing, public safety, corrections, and the judiciary by providing an electronic version of the executive summary included in the report required by this subdivision. The report must be available online.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 702, A bill for an act relating to public safety; authorizing a pilot project to map state expenditures on children for various purposes; requiring a study on the collection and reporting of summary data relating to decisions that affect a child's status within the juvenile justice system; proposing coding for new law in Minnesota Statutes, chapter 16A.

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 123 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark	Fritz	Hortman	Laine	McFarlane
Anderson, P.	Cornish	Gardner	Hosch	Lanning	McNamara
Anderson, S.	Davids	Garofalo	Howes	Lenczewski	Morgan
Anzelc	Davnie	Greiling	Huntley	Lesch	Morrow
Atkins	Dean	Gunther	Jackson	Liebling	Mullery
Beard	Demmer	Hamilton	Johnson	Lieder	Murdock
Benson	Dill	Hansen	Juhnke	Lillie	Murphy, E.
Bigham	Dittrich	Hausman	Kahn	Loeffler	Murphy, M.
Bly	Doepke	Haws	Kalin	Loon	Nelson
Brod	Doty	Hayden	Kath	Mack	Newton
Brown	Downey	Hilstrom	Kelly	Magnus	Nornes
Brynaert	Eastlund	Hilty	Kiffmeyer	Mahoney	Norton
Bunn	Eken	Holberg	Knuth	Mariani	Obermueller
Carlson	Falk	Hoppe	Koenen	Marquart	Olin
Champion	Faust	Hornstein	Kohls	Masin	Paymar

Pelowski	Rukavina	Sertich	Smith	Tillberry	Westrom
Persell	Ruud	Severson	Solberg	Torkelson	Winkler
Peterson	Sailer	Shimanski	Sterner	Urdahl	Spk. Kelliher
Poppe	Sanders	Simon	Swails	Wagenius	
Reinert	Scott	Slawik	Thao	Ward	
Rosenthal	Seifert	Slocum	Thissen	Welti	

Those who voted in the negative were:

Anderson, B.	Dettmer	Emmer	Hackbarth	Zellers
Buesgens	Drazkowski	Gottwalt	Peppin	

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

H. F. No. 1728, A bill for an act relating to human services; amending child care programs, program integrity, and adult supports including general assistance medical care and group residential housing; amending Minnesota Statutes 2008, sections 119B.011, subdivision 3; 119B.08, subdivision 2; 119B.09, subdivision 1; 119B.12, subdivision 1; 119B.13, subdivision 6; 119B.15; 119B.231, subdivision 3; 256.014, subdivision 1; 256.0471, subdivision 1, by adding a subdivision; 256D.01, subdivision 1b; 256D.44, subdivision 3; 256I.04, subdivisions 2a, 3; 256I.05, subdivision 1k.

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 108 yeas and 25 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Demmer	Drazkowski	Gottwalt	Holberg	Kohls
Anderson, S.	Dettmer	Eastlund	Hackbarth	Hoppe	Magnus
Buesgens	Doepke	Emmer	Hamilton	Kiffmeyer	Peppin

Scott	Severson	Smith	Zellers
Seifert	Shimanski	Torkelson	

The bill was passed and its title agreed to.

H. F. No. 384, A bill for an act relating to health; requiring a study to simplify health care administrative transactions via electronic data exchange.

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 129 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Buesgens	Emmer	Hackbarth
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The bill was passed and its title agreed to.

H. F. No. 1328, A bill for an act relating to public health; addressing youth violence as a public health problem; coordinating and aligning prevention and intervention programs addressing risk factors of youth violence; proposing coding for new law in Minnesota Statutes, chapter 145.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1744 was reported to the House.

Hilty moved to amend H. F. No. 1744, the third engrossment, as follows:

Page 1, line 15, delete "adopted" and insert "developed and required" and after "16E.03" insert ", subdivision 9"

Page 1, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2008, section 16C.03, subdivision 4, is amended to read:

Subd. 4. **Contracting authority.** The commissioner shall conduct all contracting by, for, and between agencies and perform all contract management and review functions for contracts, except those functions specifically delegated to be performed by the contracting agency, the attorney general, or otherwise provided for by law. The commissioner may require that agency staff participate in the development of enterprise procurements including the development of product standards, the application of accessibility standards, specifications, and other requirements."

Page 7, line 15, after the second comma, insert "accessibility,"

Page 7, lines 18 to 19, delete the new language

Page 8, delete section 12

Page 9, line 17, after "evaluation" insert "or certification"

Page 9, line 18, delete "information" and delete "systems"

Page 9, delete lines 19 and 20 and insert:

"(2) recommend an exception process and thresholds for any deviation from the accessibility standards;"

Page 9, line 21, delete "provide" and insert "identify" and delete "disabled" and after "Minnesotans" insert "with disabilities"

Page 9, line 22, before "training" insert "resources for"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1744, A bill for an act relating to government operations; creating technology accessibility standards for the state; establishing the advisory committee for technology standards for accessibility and usability; requiring a report; appropriating money; amending Minnesota Statutes 2008, sections 16C.02, by adding a subdivision; 16C.03, subdivision 4; 16C.08, subdivision 2; 16E.01, subdivisions 1a, 3; 16E.02, subdivision 1; 16E.03, subdivisions 2, 4, by adding subdivisions; 16E.07, subdivision 1; Laws 2009, chapter 37, article 2, section 3, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 16E.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark	Faust	Hornstein	Lanning	Morrow
Anderson, B.	Cornish	Fritz	Hortman	Lenczewski	Mullery
Anderson, P.	Davids	Gardner	Hosch	Lesch	Murdock
Anderson, S.	Davnie	Garofalo	Howes	Liebling	Murphy, E.
Anzelc	Dean	Gottwalt	Huntley	Lieder	Murphy, M.
Atkins	Demmer	Greiling	Jackson	Lillie	Nelson
Beard	Dettmer	Gunther	Johnson	Loeffler	Newton
Benson	Dill	Hackbarth	Juhnke	Loon	Nornes
Bigham	Dittrich	Hamilton	Kahn	Mack	Norton
Bly	Doepke	Hansen	Kalin	Magnus	Obermueller
Brod	Doty	Hausman	Kath	Mahoney	Olin
Brown	Downey	Haws	Kelly	Mariani	Otremba
Brynaert	Draskowski	Hayden	Kiffmeyer	Marquart	Paymar
Buesgens	Eastlund	Hilstrom	Knuth	Masin	Pelowski
Bunn	Eken	Hilty	Koenen	McFarlane	Peppin
Carlson	Emmer	Holberg	Kohls	McNamara	Persell
Champion	Falk	Hoppe	Laine	Morgan	Peterson

Poppe	Sanders	Simon	Swails	Wagenius	Spk. Kelliher
Reinert	Scott	Slawik	Thao	Ward	
Rosenthal	Seifert	Slocum	Thissen	Welti	
Rukavina	Sertich	Smith	Tillberry	Westrom	
Ruud	Severson	Solberg	Torkelson	Winkler	
Sailer	Shimanski	Sterner	Urdahl	Zellers	

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

H. F. No. 927 was reported to the House.

Mahoney moved to amend H. F. No. 927, the fourth engrossment, as follows:

Page 14, after line 2, insert:

"Sec. 22. **CERTAIN MUNICIPAL BUILDING ORDINANCES NOT PREEMPTED BY STATE BUILDING CODE.**

Subdivision 1. Continued enforcement of municipal ordinances. If a municipality has adopted a housing, property maintenance, or rental licensing ordinance that regulates components or systems of a structure that are in addition to but do not conflict with provisions of the State Building Code, then the municipality may continue to enforce the ordinance until August 1, 2010, if the ordinance was effective before May 15, 2008.

Subd. 2. Advisory committee to review municipal ordinances; report to legislature. By August 1, 2009, the Department of Labor and Industry shall establish an advisory committee of interested parties to review the municipal ordinances exempted by subdivision 1 from preemption by the State Building Code. By February 1, 2010, the Department of Labor and Industry shall provide a report to the chairs and ranking minority members of the legislative committees that have jurisdiction over construction codes that shall address statutory or rule amendments necessary to address thresholds of safety criteria applied to existing buildings through local ordinances.

EFFECTIVE DATE. This section is effective the day following final enactment and expires August 1, 2010."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Zellers and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Anzelc	Bly	Buesgens	Davnie	Dittrich
Anderson, B.	Atkins	Brod	Bunn	Dean	Doepke
Anderson, P.	Benson	Brown	Carlson	Demmer	Doty
Anderson, S.	Bigham	Brynaert	Cornish	Dettmer	Downey

Drazkowski	Haws	Kelly	Marquart	Pelowski	Slawik
Eastlund	Hayden	Kiffmeyer	Masin	Peppin	Slocum
Eken	Hilstrom	Knuth	McFarlane	Persell	Sterner
Emmer	Hilty	Koenen	McNamara	Peterson	Swails
Falk	Holberg	Kohls	Mullery	Poppe	Thissen
Faust	Hornstein	Laine	Murdock	Reinert	Urdahl
Fritz	Hortman	Lanning	Murphy, M.	Rosenthal	Ward
Gardner	Hosch	Lenczewski	Nelson	Ruud	Welti
Gottwalt	Huntley	Liebling	Newton	Sailer	Westrom
Greiling	Jackson	Loeffler	Nornes	Sanders	Winkler
Gunther	Johnson	Loon	Norton	Scott	Zellers
Hackbarth	Juhnke	Mack	Obermueller	Seifert	Spk. Kelliher
Hamilton	Kahn	Magnus	Olin	Sertich	
Hansen	Kalin	Mahoney	Otremba	Shimanski	
Hausman	Kath	Mariani	Paymar	Simon	

Seifert moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

Speaker pro tempore Sertich called Juhnke to the Chair.

Zellers moved to amend the Mahoney amendment to H. F. No. 927, the fourth engrossment, as follows:

Page 1, line 3, delete "**CERTAIN MUNICIPAL BUILDING ORDINANCES NOT**" and insert "**REPORT.**"

Page 1, delete lines 4 to 9

Page 1, delete lines 10 to 12

Page 1, delete line 13, and insert:

"By February 1, 2010, the"

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 amendment to the amendment and the roll was called.

Rukavina moved that those not voting be excused from voting. The motion prevailed.

There were 56 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Brown	Cornish	Demmer	Downey
Anderson, B.	Beard	Buesgens	Davids	Dettmer	Drazkowski
Anderson, P.	Brod	Bunn	Dean	Doepke	Eastlund

Emmer	Hoppe	Mack	Norton	Seifert	Urdahl
Garofalo	Howes	Magnus	Paymar	Severson	Westrom
Gottwalt	Kelly	McFarlane	Peppin	Shimanski	Zellers
Gunther	Kiffmeyer	McNamara	Poppe	Slawik	
Hackbarth	Kohls	Murdock	Rosenthal	Smith	
Hamilton	Lanning	Newton	Sanders	Sterner	
Holberg	Loon	Nornes	Scott	Torkelson	

Those who voted in the negative were:

Anzelc	Eken	Hortman	Lesch	Nelson	Slocum
Atkins	Falk	Hosch	Liebling	Obermueller	Solberg
Benson	Faust	Huntley	Lillie	Olin	Swails
Bigham	Fritz	Jackson	Loeffler	Otremba	Thao
Bly	Gardner	Johnson	Mahoney	Pelowski	Thissen
Brynaert	Greiling	Juhnke	Mariani	Persell	Tillberry
Carlson	Hansen	Kahn	Marquart	Peterson	Wagenius
Champion	Hausman	Kalin	Masin	Reinert	Ward
Clark	Haws	Kath	Morgan	Rukavina	Welti
Davnie	Hayden	Knuth	Morrow	Ruud	Winkler
Dill	Hilstrom	Koenen	Mullery	Sailer	Spk. Kelliher
Dittrich	Hilty	Laine	Murphy, E.	Sertich	
Doty	Hornstein	Lenczewski	Murphy, M.	Simon	

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

The question recurred on the Mahoney amendment and the roll was called. There were 73 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Anzelc	Doty	Hortman	Liebling	Obermueller	Thao
Atkins	Eken	Hosch	Lieder	Olin	Thissen
Benson	Falk	Huntley	Lillie	Otremba	Tillberry
Bigham	Faust	Jackson	Loeffler	Pelowski	Wagenius
Bly	Fritz	Johnson	Mahoney	Persell	Ward
Brown	Gardner	Juhnke	Mariani	Poppe	Welti
Brynaert	Greiling	Kahn	Marquart	Reinert	Winkler
Carlson	Hansen	Kalin	Masin	Rukavina	Spk. Kelliher
Champion	Hausman	Knuth	Morrow	Ruud	
Clark	Hayden	Koenen	Mullery	Sailer	
Davnie	Hilstrom	Laine	Murphy, E.	Sertich	
Dill	Hilty	Lenczewski	Murphy, M.	Simon	
Dittrich	Hornstein	Lesch	Nelson	Slocum	

Those who voted in the negative were:

Abeler	Buesgens	Dettmer	Garofalo	Holberg	Kohls
Anderson, B.	Bunn	Doepke	Gottwalt	Hoppe	Lanning
Anderson, P.	Cornish	Downey	Gunther	Howes	Loon
Anderson, S.	Dauids	Drazkowski	Hackbarth	Kath	Mack
Beard	Dean	Eastlund	Hamilton	Kelly	Magnus
Brod	Demmer	Emmer	Haws	Kiffmeyer	McFarlane

McNamara	Nornes	Peterson	Seifert	Smith	Torkelson
Morgan	Norton	Rosenthal	Severson	Solberg	Urdahl
Murdock	Paymar	Sanders	Shimanski	Sterner	Westrom
Newton	Peppin	Scott	Slawik	Swails	Zellers

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE LIFTED

Morrow moved that the call of the House be lifted. The motion prevailed and it was so ordered.

H. F. No. 927, A bill for an act relating to labor and industry; modifying construction codes and licensing; exempting certain municipal building ordinances; requiring rulemaking; amending Minnesota Statutes 2008, sections 326B.082, subdivision 12; 326B.084; 326B.121, by adding a subdivision; 326B.43, subdivision 1, by adding a subdivision; 326B.435, subdivisions 2, 6; 326B.475, subdivisions 1, 6; 326B.52; 326B.53; 326B.55; 326B.57; 326B.58; 326B.59; 326B.801; 326B.84; 326B.921, subdivision 1; 326B.974; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2008, section 326B.43, subdivision 5.

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 78 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anzelc	Falk	Hosch	Lillie	Paymar	Thao
Atkins	Faust	Howes	Loeffler	Pelowski	Thissen
Benson	Fritz	Jackson	Mahoney	Persell	Tillberry
Bigham	Gardner	Johnson	Mariani	Peterson	Wagenius
Bly	Greiling	Juhnke	Marquart	Poppe	Ward
Brown	Gunther	Kahn	Masin	Reinert	Welti
Brynaert	Hansen	Kalin	Morrow	Rosenthal	Winkler
Carlson	Hausman	Kath	Mullery	Rukavina	Spk. Kelliher
Champion	Haws	Knuth	Murphy, E.	Sailer	
Clark	Hayden	Koenen	Murphy, M.	Sertich	
Davnie	Hilstrom	Laine	Nelson	Simon	
Dill	Hilty	Lenczewski	Newton	Slocum	
Doty	Hornstein	Liebling	Obermueller	Solberg	
Eken	Hortman	Lieder	Otremba	Sterner	

Those who voted in the negative were:

Abeler	Davids	Emmer	Kiffmeyer	Murdock	Severson
Anderson, B.	Dean	Garofalo	Kohls	Nornes	Shimanski
Anderson, P.	Demmer	Gottwalt	Lanning	Norton	Slawik
Anderson, S.	Dettmer	Hackbarth	Loon	Olin	Smith
Beard	Dittrich	Hamilton	Mack	Peppin	Swails
Brod	Doepke	Holberg	Magnus	Ruud	Torkelson
Buesgens	Downey	Hoppe	McFarlane	Sanders	Urdahl
Bunn	Drazkowski	Huntley	McNamara	Scott	Westrom
Cornish	Eastlund	Kelly	Morgan	Seifert	Zellers

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

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

MOTIONS AND RESOLUTIONS

Emmer moved that the name of Dettmer be added as an author on H. F. No. 171. The motion prevailed.

Rukavina moved that the name of Newton be added as an author on H. F. No. 292. The motion prevailed.

Hilstrom moved that the name of Hayden be added as an author on H. F. No. 354. The motion prevailed.

Loon moved that the name of McFarlane be added as an author on H. F. No. 2388. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1503:

Hosch; Murphy, E., and Mack.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 722:

Lesch, Norton and Cornish.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1331:

Winkler, Kahn, Simon, Hayden and Lanning.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 11:30 a.m., Friday, May 15, 2009. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and Speaker pro tempore Juhnke declared the House stands adjourned until 11:30 a.m., Friday, May 15, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

