

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION — 2013

 FORTY-FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 25, 2013

The House of Representatives convened at 10:00 a.m. and was called to order by Paul Thissen, Speaker of the House.

Prayer was offered by the Reverend Craig Hanson, Roseville Lutheran Church, Roseville, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Zellers was excused until 12:00 noon. Kieffer was excused until 12:45 p.m. Slocum was excused until 1:00 p.m. Dean, M., was excused until 2:30 p.m.

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

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 22, 2013

The Honorable Paul Thissen
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Thissen:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State H. F. Nos. 504, 290, 129, 75 and 834.

Sincerely,

MARK DAYTON
Governor

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

The Honorable Paul Thissen
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2013 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 2013</i>	<i>Date Filed 2013</i>
1086		14	11:17 a.m. April 22	April 22
	504	15	11:14 a.m. April 22	April 22
	290	16	11:18 a.m. April 22	April 22
	129	17	11:19 a.m. April 22	April 22
	75	18	11:19 a.m. April 22	April 22
	834	19	11:22 a.m. April 22	April 22

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 128, A bill for an act relating to solid waste; amending process for cities to implement organized collection of solid waste; amending Minnesota Statutes 2012, section 115A.94, subdivisions 2, 5, by adding subdivisions; repealing Minnesota Statutes 2012, section 115A.94, subdivision 4.

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

The report was adopted.

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

H. F. No. 1765, A bill for an act relating to commerce; requiring labor peace agreements on certain qualifying projects; defining terms.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. **LABOR PEACE AGREEMENTS.**

(a) The state recognizes the need to protect public investments made in certain capital projects which may involve hospitality operations such as hotels. The efficient and uninterrupted operation of these hospitality services, and the associated public investment, may be threatened by labor disputes. The state finds that labor peace agreements in which labor unions voluntarily agree not to engage in picketing, boycotts, work stoppages, or any other economic interference at a hospitality business are the most effective method of ensuring continuous operation of hospitality businesses receiving state or local government investment. It is the policy of the state that labor peace agreements are required as a prerequisite for receiving state or local government participation on any qualifying project in which the state or a local government has a proprietary interest, or acts as a market participant, if the project will result in the employment of hospitality workers.

(b) For the purposes of this section:

(1) the state or a local government has a proprietary interest in a project where it finances the project in whole or in part by any of the following: providing a grant, providing a loan, guaranteeing any payment under any loan, lease, or other obligation, providing tax increment financing, contributing revenue on general obligation bonds, or providing a tax abatement, reduction, deferral, or credit;

(2) the state or a local government acts as a market participant in a project when it is the owner of the project, is an equity investor in the project, or donates, sells, or leases real property, personal property, or infrastructure in support of the project;

(3) "qualifying project" means a project that is located in a county that contains a city of the first class as defined under Minnesota Statutes, section 410.01, and includes the construction or development of a hotel; a food and beverage operation that is integral to a hotel, a major league or minor league sports facility, a convention center, or a civic center; or a cultural venue with catering or cafeteria facilities;

(4) "hospitality workers" means all full-time or regular part-time employees of hotels and their integral food and beverage operations as well as all full-time or regular part-time employees providing food and beverage, concession, catering, cafeteria, or merchandise services at sports facilities, convention centers, civic centers, or cultural venues, excluding supervisors, managers, and guards;

(5) "employer of hospitality workers" means an employer of hospitality workers who will be employed as a result of a qualifying project, and includes a developer of a state or local government-owned facility that is all or part of a qualifying project and a developer of a facility benefiting from state or local government financial participation in a qualifying project;

(6) "labor peace agreement" means a valid contract that sets forth agreements by and between an employer of hospitality workers and any labor organization seeking to represent hospitality workers on the process the employer and union will follow as the hospitality workers who will be employed as a result of the project choose whether or not to organize as a unit for collective bargaining with the employer; and

(7) "local government" includes counties, cities, towns, and any development authority established under Minnesota Statutes, chapter 469.

(c) Any employer of hospitality workers on a qualifying project must have negotiated and executed a labor peace agreement with any interested labor organization prior to, and as a condition precedent of, the approval of financial assistance that causes the state or local government to hold a proprietary interest in the project. When the state or a local government acts as a market participant in the project, any employer of hospitality workers must have a signed labor peace agreement with any interested labor organization prior to, and as a condition precedent to, its contract with the state or local government.

(d) To fulfill the condition precedent to state or local government participation, a labor peace agreement must contain:

(1) a provision prohibiting the labor organization and its members from engaging in any picketing, work stoppages, boycotts, or any other economic interference with the employer's hospitality operations on the qualifying project for the duration of the state or local government's ongoing financial interest in the qualifying project or for five years, whichever is greater;

(2) a provision requiring that during the duration of the agreement all disputes relating to employment conditions or the negotiation thereof shall be submitted to final and binding arbitration; and

(3) a provision requiring the employer of hospitality workers to incorporate the terms of the labor peace agreement in any contract, subcontract, lease, sublease, operating agreement, concessionaire agreement, franchise agreement, or other agreement or instrument giving a right to any other employer of hospitality workers to own or operate the project or activities within the project.

(e) If an employer of hospitality workers has valid collective bargaining agreements with recognized unions that cover, or will cover, the hospitality workers that will be employed as a result of the qualifying project, those agreements satisfy the requirements of this section.

(f) This section shall not apply to projects that receive less than \$1,000,000 dollars of the total cost of the project from state and local government sources.

(g) Nothing in this section requires an employer to recognize a particular labor organization. This section is not intended to enact or express any generally applicable policy regarding labor management relations or to regulate those relations in any way. This section is not intended to favor any particular outcome in the determination of employee preference regarding union representation.

(h) Nothing in this section denies any financial assistance approved prior to August 1, 2013."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 128 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Kelly, Norton, Kieffer and Garofalo introduced:

H. F. No. 1805, A bill for an act relating to civil law; providing for civil union relationships; substituting civil union contracts for marriage for purposes of Minnesota law; amending Minnesota Statutes 2012, sections 363A.27; 517.01; 517.02; 517.03; 517.07; 517.08; 517.10; 517.101; 517.20; proposing coding for new law in Minnesota Statutes, chapter 517; repealing Minnesota Statutes 2012, sections 517.04; 517.041; 517.05; 517.06; 517.09; 517.13; 517.14; 517.15; 517.16; 517.18.

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

Woodard and Garofalo introduced:

H. F. No. 1806, A bill for an act relating to fireworks; regulating the manufacture, sale, and use of fireworks; use of related sales tax proceeds; amending Minnesota Statutes 2012, section 297E.021, subdivision 2.

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

Atkins, Morgan and Masin introduced:

H. F. No. 1807, A bill for an act relating to capital investment; establishing the Host Community Economic Development grant program; appropriating money; authorizing the sale and issuance of state bonds; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Slocum introduced:

H. F. No. 1808, A bill for an act relating to the city of Richfield; authorizing the city to issue certain on-sale licenses.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 283, A bill for an act relating to evidence; limiting availability of certain evidence arising from a collaborative law process; amending Minnesota Statutes 2012, section 595.02, subdivision 1.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 748, A bill for an act relating to employment; modifying prompt payment of wages requirements; modifying penalties; amending Minnesota Statutes 2012, sections 181.13; 181.14.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 510.

JOANNE M. ZOFF, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 510, A bill for an act relating to solid waste; amending process for cities to implement organized collection of solid waste; amending Minnesota Statutes 2012, section 115A.94, subdivisions 2, 5, by adding subdivisions; repealing Minnesota Statutes 2012, section 115A.94, subdivision 4.

The bill was read for the first time.

Slocum moved that S. F. No. 510 and H. F. No. 128, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

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

RECESS

RECONVENED

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

CALENDAR FOR THE DAY

S. F. No. 1236 was reported to the House.

Drazkowski moved to amend S. F. No. 1236, the unofficial engrossment, as follows:

Page 2, line 34, delete "160,005,000" and insert "160,548,000"

Page 6, line 21, delete "507,081,000" and insert "506,538,000"

Adjust amounts accordingly

The motion prevailed and the amendment was adopted.

Benson, M., moved to amend S. F. No. 1236, the unofficial engrossment, as amended, as follows:

Page 5, after line 17, insert:

"Of this appropriation, \$52,500,000 in fiscal year 2015 is conditional on a reduction in system administrative costs of at least six percent, and a reduction in human resources and personnel costs of at least six percent. A report detailing the reductions, including the actual dollar value of the reductions, the reductions as a percentage of the total administrative and personnel costs of the system, and any positions, programs, or departments affected by the reductions, shall be submitted to the chairs and ranking minority members of the house Higher Education Finance and Policy Committee and the senate Higher Education and Workforce Development Division no later than February 1, 2014. The commissioner of management and budget shall release the conditional funds upon consultation with the Legislative Advisory Commission, including the chairs and ranking minority members of the house committee and senate division, to determine whether the conditions required for release of the funds have been met."

Page 6, after line 23, insert:

"Of this appropriation, \$37,525,000 in fiscal year 2015 is conditional on a reduction in system administrative costs of at least six percent, and a reduction in human resources and personnel costs of at least six percent. A report detailing the reductions, including the actual dollar value of the reductions, the reductions as a percentage of the total administrative and personnel costs of the system, and any positions, programs, or departments affected by the reductions, shall be submitted to the chairs and ranking minority members of the house Higher Education Finance and Policy Committee and the senate Higher Education and Workforce Development Division no later than

February 1, 2014. The commissioner of management and budget shall release the conditional funds upon consultation with the Legislative Advisory Commission, including the chairs and ranking minority members of the house committee and senate division, to determine whether the conditions required for release of the funds have been met."

A roll call was requested and properly seconded.

Benson, M., moved to amend his amendment to S. F. No. 1236, the unofficial engrossment, as amended, as follows:

Page 1, delete lines 4 to 8 and insert:

"Of this appropriation, \$52,500,000 in fiscal year 2015 is conditional on an overall reduction in system costs of at least six percent, to be implemented across the following categories, in order of priority:

(1) central administration of the system and executive administration of individual campuses, including salaries of the chancellor, vice-chancellors, provosts, vice-provosts, presidents, and deans;

(2) other personnel and human resources costs not included in clause (1); and

(3) consolidation or elimination of duplicative, unnecessary, or obsolete departments, programs, or positions."

Page 2, delete lines 2 to 6 and insert:

"Of this appropriation, \$37,525,000 in fiscal year 2015 is conditional on an overall reduction in system costs of at least six percent, to be implemented across the following categories, in order of priority:

(1) central administration of the system and executive administration of individual campuses, including salaries of the president, vice-presidents, provosts, vice-provosts, chancellors, and deans;

(2) other personnel and human resources costs not included in clause (1); and

(3) consolidation or elimination of duplicative, unnecessary, or obsolete departments, programs, or positions."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 56 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hamilton	Lohmer	Peppin	Torkelson
Albright	Drazkowski	Hertaus	Loon	Petersburg	Uglen
Anderson, M.	Erickson, S.	Holberg	Mack	Pugh	Urdahl
Anderson, P.	Fabian	Hoppe	McDonald	Quam	Wills
Anderson, S.	FitzSimmons	Howe	McNamara	Runbeck	Woodard
Barrett	Franson	Johnson, B.	Myhra	Sanders	Zerwas
Beard	Garofalo	Kelly	Newberger	Schomacker	
Benson, M.	Green	Kiel	Nornes	Scott	
Cornish	Gruenhagen	Kresha	O'Driscoll	Swedzinski	
Daudt	Hackbarth	Leidiger	O'Neill	Theis	

Those who voted in the negative were:

Allen	Dorholt	Hornstein	Loeffler	Nelson	Simon
Anzelc	Erhardt	Hortman	Mahoney	Newton	Simonson
Atkins	Erickson, R.	Huntley	Mariani	Norton	Sundin
Benson, J.	Falk	Isaacson	Marquart	Paymar	Wagenius
Bernardy	Faust	Johnson, C.	Masin	Pelowski	Ward, J.A.
Bly	Fischer	Johnson, S.	McNamar	Persell	Ward, J.E.
Brynaert	Freiberg	Kahn	Melin	Poppe	Winkler
Carlson	Fritz	Laine	Metsa	Radinovich	Yarusso
Clark	Gunther	Lenczewski	Moran	Rosenthal	Spk. Thissen
Davids	Halverson	Lesch	Morgan	Savick	
Davnie	Hansen	Liebling	Mullery	Sawatzky	
Dehn, R.	Hausman	Lien	Murphy, E.	Schoen	
Dill	Hilstrom	Lillie	Murphy, M.	Selcer	

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

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

The question recurred on the Benson, M., amendment and the roll was called. There were 59 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Gunther	Kresha	Nornes	Scott
Albright	Dettmer	Hackbarth	Leidiger	O'Driscoll	Swedzinski
Anderson, M.	Drazkowski	Hamilton	Liebling	O'Neill	Theis
Anderson, P.	Erickson, S.	Hertaus	Lohmer	Peppin	Torkelson
Anderson, S.	Fabian	Holberg	Loon	Petersburg	Uglen
Barrett	FitzSimmons	Hoppe	Mack	Pugh	Urdahl
Beard	Franson	Howe	McDonald	Quam	Wills
Benson, M.	Garofalo	Johnson, B.	McNamara	Runbeck	Woodard
Cornish	Green	Kelly	Myhra	Sanders	Zerwas
Daudt	Gruenhagen	Kiel	Newberger	Schomacker	

Those who voted in the negative were:

Allen	Dorholt	Hornstein	Loeffler	Murphy, M.	Selcer
Anzelc	Erhardt	Hortman	Mahoney	Nelson	Simon
Atkins	Erickson, R.	Huntley	Mariani	Newton	Simonson
Benson, J.	Falk	Isaacson	Marquart	Norton	Sundin
Bernardy	Faust	Johnson, C.	Masin	Paymar	Wagenius
Bly	Fischer	Johnson, S.	McNamar	Pelowski	Ward, J.A.
Brynaert	Freiberg	Kahn	Melin	Persell	Ward, J.E.
Carlson	Fritz	Laine	Metsa	Poppe	Winkler
Clark	Halverson	Lenczewski	Moran	Radinovich	Yarusso
Davnie	Hansen	Lesch	Morgan	Rosenthal	Spk. Thissen
Dehn, R.	Hausman	Lien	Mullery	Sawatzky	
Dill	Hilstrom	Lillie	Murphy, E.	Schoen	

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

Swedzinski moved to amend S. F. No. 1236, the unofficial engrossment, as amended, as follows:

Page 5, after line 17, insert:

"Of this appropriation, \$52,500,000 in fiscal year 2015 is conditional on the following:

(1) an increase of at least five percent in the employment rate within six months following graduation for undergraduate students graduating in 2013, compared to the same rate for undergraduate students graduating in 2011; and

(2) an increase of at least five percent in the four-year graduation rate for undergraduate students scheduled to graduate in 2014, compared to the same rate for undergraduate students graduating in 2011.

A report detailing the steps taken to achieve these rates, and the actual outcomes, shall be submitted to the chairs and ranking minority members of the house Higher Education Finance and Policy Committee and the senate Higher Education and Workforce Development division no later than February 1, 2014. The commissioner of management and budget shall release the conditional funds upon consultation with the Legislative Advisory Commission, including the chairs and ranking minority members of the house committee and senate division, to determine whether the conditions required for the release of the funds have been met."

Page 6, after line 23, insert:

"Of this appropriation, \$37,525,000 in fiscal year 2015 is conditional on the following:

(1) an increase of at least five percent in the employment rate within six months following graduation for undergraduate students graduating in 2013, compared to the same rate for undergraduate students graduating in 2011; and

(2) an increase of at least five percent in the four-year graduation rate for undergraduate students scheduled to graduate in 2014, compared to the same rate for undergraduate students graduating in 2011.

A report detailing the steps taken to achieve these rates, and the actual outcomes, shall be submitted to the chairs and ranking minority members of the house Higher Education Finance and Policy Committee and the senate Higher Education and Workforce Development division no later than February 1, 2014. The commissioner of management and budget shall release the conditional funds upon consultation with the Legislative Advisory Commission, including the chairs and ranking minority members of the house committee and senate division, to determine whether the conditions required for the release of the funds have been met."

A roll call was requested and properly seconded.

The question was taken on the Swedzinski amendment and the roll was called. There were 59 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Gunther	Kresha	O'Driscoll	Swedzinski
Albright	Dettmer	Hackbarth	Leidiger	O'Neill	Theis
Anderson, M.	Drazkowski	Hamilton	Lohmer	Peppin	Torkelson
Anderson, P.	Erickson, S.	Hertaus	Loon	Petersburg	Uglem
Anderson, S.	Fabian	Holberg	Mack	Pugh	Urdahl
Barrett	FitzSimmons	Hoppe	McDonald	Quam	Wills
Beard	Franson	Howe	McNamara	Runbeck	Woodard
Benson, M.	Garofalo	Johnson, B.	Myhra	Sanders	Zellers
Cornish	Green	Kelly	Newberger	Schomacker	Zerwas
Daudt	Gruenhagen	Kiel	Nornes	Scott	

Those who voted in the negative were:

Allen	Dorholt	Hornstein	Lillie	Murphy, E.	Schoen
Anzelc	Erhardt	Hortman	Loeffler	Murphy, M.	Selcer
Atkins	Erickson, R.	Huntley	Mahoney	Nelson	Simon
Benson, J.	Falk	Isaacson	Mariani	Newton	Simonson
Bernardy	Faust	Johnson, C.	Marquart	Norton	Sundin
Bly	Fischer	Johnson, S.	Masin	Paymar	Wagenius
Brynaert	Freiberg	Kahn	McNamar	Pelowski	Ward, J.A.
Carlson	Fritz	Laine	Melin	Persell	Ward, J.E.
Clark	Halverson	Lenczewski	Metsa	Poppe	Winkler
Davnie	Hansen	Lesch	Moran	Radinovich	Yarusso
Dehn, R.	Hausman	Liebling	Morgan	Rosenthal	Spk. Thissen
Dill	Hilstrom	Lien	Mullery	Sawatzky	

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

S. F. No. 1236, A bill for an act relating to higher education; providing funding for the University of Minnesota, Minnesota State Colleges and Universities, the Minnesota Office of Higher Education, and for other higher education purposes; regulating the state grant program; limiting certain tuition increases; regulating bonus payments; eliminating state regulation of certain online instruction; providing for local bank deposit of certain MnSCU reserves; requiring the development of strategies to assist in the completion of post-secondary programs; requiring an assessment of the feasibility of a state program to refinance student debt; creating a pilot program for intensive mentoring, counseling, and job placement activities for certain students; requiring an evaluation of which performance standards should be used to evaluate institutional eligibility for state student financial aid programs; requiring the University of Minnesota to develop a plan to reduce administrative costs; requiring a higher education mental health summit; creating a tribal college supplemental grant assistance program; recognizing veteran's experience and training for various higher education purposes; providing a pilot program for state grant aid to part-time students at MnSCU institutions; appropriating money; amending Minnesota Statutes 2012, sections 13.47, subdivision 3; 127A.70, subdivision 2; 135A.61; 136A.031, subdivision 2; 136A.101, subdivisions 3, 5a, 9; 136A.121, subdivision 5, by adding a subdivision; 136A.125, subdivisions 2, 4; 136A.233, subdivision 2; 136A.62, by adding a subdivision; 136A.646; 136A.65, subdivisions 4, 8; 136A.653, by adding a subdivision; 136F.40, subdivision 2; 137.027; 141.25, subdivision 7; 141.35; 197.775, subdivisions 1, 2, by adding a subdivision; 268.19, subdivision 1; 299A.45, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; 136F; 137; repealing Minnesota Statutes 2012, section 136A.121, subdivision 9b.

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 86 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hausman	Lillie	Nelson	Simonson
Allen	Dorholt	Hilstrom	Loeffler	Newton	Sundin
Anzelc	Erhardt	Hornstein	Mahoney	Nornes	Swedzinski
Atkins	Erickson, R.	Hortman	Mariani	Norton	Theis
Beard	Falk	Huntley	Marquart	O'Driscoll	Uglem
Benson, J.	Faust	Isaacson	Masin	Paymar	Wagenius
Bernardy	Fischer	Johnson, C.	McNamar	Pelowski	Ward, J.A.
Bly	Franson	Johnson, S.	McNamara	Persell	Ward, J.E.
Brynaert	Freiberg	Kahn	Melin	Poppe	Winkler
Carlson	Fritz	Kiel	Metsa	Radinovich	Yarusso
Clark	Gruenhagen	Laine	Moran	Rosenthal	Spk. Thissen
Davids	Gunther	Lenczewski	Morgan	Sawatzky	
Davnie	Halverson	Lesch	Mullery	Schoen	
Dehn, R.	Hamilton	Liebling	Murphy, E.	Selcer	
Dettmer	Hansen	Lien	Murphy, M.	Simon	

Those who voted in the negative were:

Albright	Drazkowski	Holberg	Loon	Pugh	Wills
Anderson, M.	Erickson, S.	Hoppe	Mack	Quam	Woodard
Anderson, P.	Fabian	Howe	McDonald	Runbeck	Zellers
Anderson, S.	FitzSimmons	Kelly	Myhra	Sanders	Zerwas
Barrett	Garofalo	Kieffer	Newberger	Schomacker	
Benson, M.	Green	Kresha	O'Neill	Scott	
Cornish	Hackbarth	Leidiger	Peppin	Torkelson	
Daudt	Hertaus	Lohmer	Petersburg	Urdahl	

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

The Speaker called Hortman to the Chair.

S. F. No. 745 was reported to the House.

Simon moved to amend S. F. No. 745, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 695, the first engrossment:

"Section 1. **[13.356] PERSONAL CONTACT AND ONLINE ACCOUNT INFORMATION.**

Except where disclosure is specifically authorized by law, and notwithstanding section 13.04, subdivision 2, the following data on an individual collected, maintained, or received by a government entity for notification or informational purposes of a general nature as requested by the individual are private data on individuals:

(1) telephone number;

(2) e-mail address; and

(3) Internet user name, password, Internet protocol address, and any other similar data related to the individual's online account or access procedures.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to data collected, maintained, or received before, on, or after that date.

Sec. 2. Minnesota Statutes 2012, section 13.37, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings given them.

(a) "Security information" means government data the disclosure of which the responsible authority determines would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. "Security information" includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home and mailing addresses ~~and~~, telephone numbers, e-mail addresses, Internet communication services accounts information or similar accounts information, and global positioning system locations.

(b) "Trade secret information" means government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

(c) "Labor relations information" means management positions on economic and noneconomic items that have not been presented during the collective bargaining process or interest arbitration, including information specifically collected or created to prepare the management position.

(d) "Parking space leasing data" means the following government data on an applicant for, or lessee of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, work telephone number, and location of the parking space.

Sec. 3. Minnesota Statutes 2012, section 13.386, subdivision 3, is amended to read:

Subd. 3. **Collection, storage, use, and dissemination of genetic information.** (a) Unless otherwise expressly provided by law, genetic information about an individual:

(1) may be collected by a government entity, as defined in section 13.02, subdivision 7a, or any other person only with the written informed consent of the individual;

(2) may be used only for purposes to which the individual has given written informed consent;

(3) may be stored only for a period of time to which the individual has given written informed consent; and

(4) may be disseminated only:

(i) with the individual's written informed consent; or

(ii) if necessary in order to accomplish purposes described by clause (2). A consent to disseminate genetic information under item (i) must be signed and dated. Unless otherwise provided by law, such a consent is valid for one year or for a lesser period specified in the consent.

(b) Newborn screening activities conducted under sections 144.125 to 144.128 are subject to paragraph (a). Other programs and activities governed under section 144.192 are not subject to paragraph (a).

EFFECTIVE DATE. This section is effective July 1, 2013.

Sec. 4. Minnesota Statutes 2012, section 13.43, subdivision 2, is amended to read:

Subd. 2. **Public data.** (a) Except for employees described in subdivision 5 and subject to the limitations described in subdivision 5a, the following personnel data on current and former employees, volunteers, and independent contractors of a government entity is public:

(1) name; employee identification number, which must not be the employee's Social Security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;

(2) job title and bargaining unit; job description; education and training background; and previous work experience;

(3) date of first and last employment;

(4) the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;

(5) the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body;

(6) the complete terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement as defined in section 123B.143, subdivision 2, paragraph (a); except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money;

(7) work location; a work telephone number; badge number; work-related continuing education; and honors and awards received; and

(8) payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

(b) For purposes of this subdivision, a final disposition occurs when the government entity makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the government entity, or arbitrator. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. A disciplinary action does not become public data if an arbitrator sustains a grievance and reverses all aspects of any disciplinary action.

(c) The government entity may display a photograph of a current or former employee to a prospective witness as part of the government entity's investigation of any complaint or charge against the employee.

(d) A complainant has access to a statement provided by the complainant to a government entity in connection with a complaint or charge against an employee.

(e) Notwithstanding paragraph (a), clause (5), and subject to paragraph (f), upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. For purposes of this paragraph, "public official" means:

(1) the head of a state agency and deputy and assistant state agency heads;

(2) members of boards or commissions required by law to be appointed by the governor or other elective officers;

(3) executive or administrative heads of departments, bureaus, divisions, or institutions within state government; and

(4) the following employees:

(i) the chief administrative officer, or the individual acting in an equivalent position, in all political subdivisions;

(ii) individuals required to be identified by a political subdivision pursuant to section 471.701;

(iii) in a city with a population of more than 7,500 or a county with a population of more than 5,000, ~~individuals in a management capacity reporting directly to the chief administrative officer or the individual acting in an equivalent position;~~ managers; chiefs; heads or directors of departments, divisions, bureaus, or boards; and any equivalent position; and

(iv) in a school district, ~~business managers; human resource directors; and athletic directors;~~ chief financial officers; directors; individuals defined as superintendents, and principals, and directors under Minnesota Rules, part 3512.0100; and in a charter school, individuals employed in comparable positions.

(f) Data relating to a complaint or charge against an employee identified under paragraph (e), clause (4), are public only if:

(1) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or

(2) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement ~~with another person.~~

This paragraph and paragraph (e) do not authorize the release of data that are made not public under other law.

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

Sec. 5. Minnesota Statutes 2012, section 13.64, subdivision 2, is amended to read:

Subd. 2. **Department of Administration.** (a) Security features of building plans, building specifications, and building drawings of state-owned facilities and non-state-owned facilities leased by the state are classified as nonpublic data when maintained by the Department of Administration and may be shared with anyone as needed to perform duties of the commissioner.

(b) Data maintained by the Department of Administration that identifies an individual with a disability or a family member of an individual with a disability related to services funded by the federal Assistive Technology Act, United States Code, title 29, section 3002, for assistive technology device demonstrations, transition training, loans, reuse, or alternative financing are private data.

Sec. 6. Minnesota Statutes 2012, section 13.72, subdivision 10, is amended to read:

Subd. 10. **Transportation service data.** Personal, medical, financial, familial, or locational information data pertaining to applicants for or users of services providing transportation for the disabled or elderly, ~~with the exception of the name of the applicant or user of the service,~~ are private.

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

Sec. 7. Minnesota Statutes 2012, section 13.72, is amended by adding a subdivision to read:

Subd. 18. **Mileage-based user fees.** (a) The following data pertaining to participation in the Minnesota road use test, as required by Laws 2007, chapter 143, article 1, section 3, subdivision 3, paragraph (a), clause (1), are classified as nonpublic or private data:

(1) names of participants, participants' contact information, and data contained in applications for participation in the Minnesota road use test;

(2) applications for the purchase, lease, or rental of the GPS navigation device;

(3) participants' vehicle identification data;

(4) financial and credit data; and

(5) participants' road usage data.

(b) Nothing in this section prohibits the production of summary data, as defined in section 13.02, subdivision 19, as it pertains to types of vehicles used and road usage data, as long as the participants' identities or any other characteristic that could uniquely identify participants are not ascertainable.

(c) Notwithstanding section 13.03, subdivision 6, the Department of Transportation shall only produce the data made not public under this subdivision to federal, state, and local law enforcement authorities acting pursuant to a valid probable cause search warrant.

Sec. 8. Minnesota Statutes 2012, section 13.72, is amended by adding a subdivision to read:

Subd. 19. **Construction manager/general contractor data.** (a) When the Department of Transportation undertakes a construction manager/general contractor contract, as defined and authorized in sections 161.3207 to 161.3209, the provisions of this subdivision apply.

(b) When the commissioner of transportation solicits a request for qualifications:

(1) the following data are classified as protected nonpublic:

(i) the statement of qualifications scoring evaluation manual; and

(ii) the statement of qualifications evaluations;

(2) the statement of qualifications submitted by a potential construction manager/general contractor is classified as nonpublic data; and

(3) identifying information concerning the members of the Technical Review Committee is classified as private data.

(c) When the commissioner of transportation announces the short list of qualified construction managers/general contractors, the following data become public:

(1) the statement of qualifications scoring evaluation manual; and

(2) the statement of qualifications evaluations.

(d) When the commissioner of transportation solicits a request for proposals:

(1) the proposal scoring manual is classified as protected nonpublic data; and

(2) the following data are classified as nonpublic data:

(i) the proposals submitted by a potential construction manager/general contractor; and

(ii) the proposal evaluations.

(e) When the commissioner of transportation has completed the ranking of proposals and announces the selected construction manager/general contractor, the proposal evaluation score or rank and proposal evaluations become public data.

(f) When the commissioner of transportation conducts contract negotiations with a construction manager/general contractor, government data created, collected, stored, and maintained during those negotiations are nonpublic data until a construction manager/general contractor contract is fully executed.

(g) When the construction manager/general contractor contract is fully executed or when the commissioner of transportation decides to use another contract procurement process, other than the construction manager/general contractor authority, authorized under section 161.3209, subdivision 3, paragraph (b), all remaining data not already made public under this subdivision become public.

(h) If the commissioner of transportation rejects all responses to a request for proposals before a construction manager/general contractor contract is fully executed, all data, other than that data made public under this subdivision, retains its classification until a resolicitation of the request for proposals results in a fully executed construction manager/general contractor contract or a determination is made to abandon the project. If a resolicitation of proposals does not occur within one year of the announcement of the request for proposals, the remaining data become public.

Sec. 9. Minnesota Statutes 2012, section 13.72, is amended by adding a subdivision to read:

Subd. 20. **Transit customer data.** (a) Data on applicants, users, and customers of public transit collected by or through the Metropolitan Council's personalized Web services or the regional fare collection system are private data on individuals. As used in this subdivision, the following terms have the meanings given them:

(1) "regional fare collection system" means the fare collection system created and administered by the council that is used for collecting fares or providing fare cards or passes for transit services, which include:

(i) regular route bus service within the metropolitan area and paratransit service, whether provided by the council or by other providers of regional transit service;

(ii) light rail transit service within the metropolitan area;

(iii) rideshare programs administered by the council;

(iv) special transportation services provided under section 473.386; and

(v) commuter rail service;

(2) "personalized Web services" means services for which transit service applicants, users, and customers must establish a user account; and

(3) "metropolitan area" means the area defined in section 473.121, subdivision 2.

(b) The Metropolitan Council may disseminate data on user and customer transaction history and fare card use to government entities, organizations, school districts, educational institutions, and employers that subsidize or provide fare cards to their clients, students, or employees. "Data on user and customer transaction history and fare card use" includes only:

(1) the date a fare card was used;

(2) the time a fare card was used;

(3) the mode of travel;

(4) the type of fare product used; and

(5) information about the date, time, and type of fare product purchased.

Government entities, organizations, school districts, educational institutions, and employers may use customer transaction history and fare card use data only for the purposes of measuring and promoting fare card use and for evaluating the cost effectiveness of their fare card programs. If a user or customer requests in writing that the council limit the disclosure of transaction history and fare card use, the council may disclose only the card balance and the date a card was last used.

(c) The Metropolitan Council may disseminate transit service applicant, user, and customer data:

(1) to another government entity to prevent unlawful intrusion into government electronic systems;

(2) to its Metropolitan Transit Police and other law enforcement agencies conducting investigations; or

(3) as otherwise provided by law.

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

Sec. 10. **[144.192] TREATMENT OF BIOLOGICAL SPECIMENS AND HEALTH DATA HELD BY THE DEPARTMENT OF HEALTH AND HEALTH BOARDS.**

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

(b) "Biological specimen" means tissue, fluids, excretions, or secretions that contain human DNA originating from an identifiable individual, either living or deceased. Biological specimen does not include infectious agents or chemicals that are isolated from a specimen. Nothing in this section or section 13.386 is intended to limit the commissioner's ability to collect, use, store, or disseminate such isolated infectious agents or chemicals.

(c) "Health data" has the meaning given in section 13.3805, subdivision 1, paragraph (a), clause (2).

(d) "Health oversight" means oversight of the health care system for activities authorized by law, limited to the following:

(1) audits;

(2) civil, administrative, or criminal investigations;

(3) inspections;

(4) licensure or disciplinary actions;

(5) civil, administrative, or criminal proceedings or actions; and

(6) other activities necessary for appropriate oversight of the health care system and persons subject to such governmental regulatory programs for which biological specimens or health data are necessary for determining compliance with program standards.

(e) "Individual" has the meaning given in section 13.02, subdivision 8. In addition, for a deceased individual, individual also means the representative of the decedent.

(f) "Person" has the meaning given in section 13.02, subdivision 10.

(g) "Program operations" means actions, testing, and procedures directly related to the operation of department programs, limited to the following:

- (1) diagnostic and confirmatory testing;
- (2) laboratory quality control assurance and improvement;
- (3) calibration of equipment;
- (4) evaluation and improvement of test accuracy;
- (5) method development and validation;
- (6) compliance with regulatory requirements; and
- (7) continuity of operations to ensure that testing continues in the event of an emergency.

(h) "Public health practice" means actions related to disease, conditions, injuries, risk factors, or exposures taken to protect public health, limited to the following:

- (1) monitoring the health status of a population;
- (2) investigating occurrences and outbreaks;
- (3) comparing patterns and trends;
- (4) implementing prevention and control measures;
- (5) conducting program evaluations and making program improvements;
- (6) making recommendations concerning health for a population;
- (7) preventing or controlling known or suspected diseases and injuries; and
- (8) conducting other activities necessary to protect or improve the health of individuals and populations for which biological specimens or health data are necessary.

(i) "Representative of the decedent" has the meaning given in section 13.10, subdivision 1, paragraph (c).

(j) "Research" means activities that are not program operations, public health practice, or health oversight, and is otherwise defined in Code of Federal Regulations, title 45, part 46, subpart A, section 46.102(d).

Subd. 2. Collection, use, storage, and dissemination. (a) The commissioner may collect, use, store, and disseminate biological specimens and health data, genetic or other, as provided in this section and as authorized under any other provision of applicable law, including any rules adopted on or before June 30, 2013. Any rules adopted after June 30, 2013, must be consistent with the requirements of this section.

(b) The provisions in this section supplement other provisions of law and do not supersede or repeal other provisions of law applying to the collection, use, storage, or dissemination of biological specimens or health data.

(c) For purposes of this section, genetic information is limited to biological specimens and health data.

Subd. 3. Biological specimens and health data for program operations, public health practice, and health oversight. (a) The commissioner may collect, use, store, and disseminate biological specimens and health data to conduct program operations activities, public health practice activities, and health oversight activities. Unless required under other applicable law, consent of an individual is not required under this subdivision.

(b) With the approval of the commissioner, biological specimens may be disseminated to establish a diagnosis, to provide treatment, to identify persons at risk of illness, to conduct an epidemiologic investigation to control or prevent the spread of serious disease, or to diminish an imminent threat to the public health.

(c) For purposes of Clinical Laboratory Improvement Amendments proficiency testing, the commissioner may disseminate de-identified biological specimens to state public health laboratories that agree, pursuant to contract, not to attempt to re-identify the biological specimens.

(d) Health data may be disseminated as provided in section 13.3805, subdivision 1, paragraph (b).

Subd. 4. Research. The commissioner may collect, use, store, and disseminate biological specimens and health data to conduct research in a manner that is consistent with the federal common rule for the protection of human subjects in Code of Federal Regulations, title 45, part 46.

Subd. 5. Storage of biological specimens and health data according to storage schedules. (a) The commissioner shall store health data according to section 138.17.

(b) The commissioner shall store biological specimens according to a specimen storage schedule. The commissioner shall develop the storage schedule by July 1, 2013, and post it on the department's Web site.

Subd. 6. Secure storage of biological specimens. The commissioner shall establish appropriate security safeguards for the storage of biological specimens, with regard for the privacy of the individuals from whom the biological specimens originated, and store the biological specimens accordingly. When a biological specimen is disposed of, it must be destroyed in a way that prevents determining the identity of the individual from whom it originated.

Subd. 7. Applicability to health boards. The provisions of subdivisions 2; 3, paragraphs (a), (c), and (d); and 4 to 6 pertaining to the commissioner also apply to boards of health and community health boards organized under chapter 145A. These boards may also disseminate health data pursuant to section 13.3805, subdivision 1, paragraph (b), clause (2).

EFFECTIVE DATE. This section is effective July 1, 2013.

Sec. 11. Minnesota Statutes 2012, section 144.966, subdivision 2, is amended to read:

Subd. 2. Newborn Hearing Screening Advisory Committee. (a) The commissioner of health shall establish a Newborn Hearing Screening Advisory Committee to advise and assist the Department of Health and the Department of Education in:

(1) developing protocols and timelines for screening, rescreening, and diagnostic audiological assessment and early medical, audiological, and educational intervention services for children who are deaf or hard-of-hearing;

(2) designing protocols for tracking children from birth through age three that may have passed newborn screening but are at risk for delayed or late onset of permanent hearing loss;

(3) designing a technical assistance program to support facilities implementing the screening program and facilities conducting rescreening and diagnostic audiological assessment;

(4) designing implementation and evaluation of a system of follow-up and tracking; and

(5) evaluating program outcomes to increase effectiveness and efficiency and ensure culturally appropriate services for children with a confirmed hearing loss and their families.

(b) The commissioner of health shall appoint at least one member from each of the following groups with no less than two of the members being deaf or hard-of-hearing:

(1) a representative from a consumer organization representing culturally deaf persons;

(2) a parent with a child with hearing loss representing a parent organization;

(3) a consumer from an organization representing oral communication options;

(4) a consumer from an organization representing cued speech communication options;

(5) an audiologist who has experience in evaluation and intervention of infants and young children;

(6) a speech-language pathologist who has experience in evaluation and intervention of infants and young children;

(7) two primary care providers who have experience in the care of infants and young children, one of which shall be a pediatrician;

(8) a representative from the early hearing detection intervention teams;

(9) a representative from the Department of Education resource center for the deaf and hard-of-hearing or the representative's designee;

(10) a representative of the Commission of Deaf, DeafBlind and Hard-of-Hearing Minnesotans;

(11) a representative from the Department of Human Services Deaf and Hard-of-Hearing Services Division;

(12) one or more of the Part C coordinators from the Department of Education, the Department of Health, or the Department of Human Services or the department's designees;

(13) the Department of Health early hearing detection and intervention coordinators;

(14) two birth hospital representatives from one rural and one urban hospital;

(15) a pediatric geneticist;

(16) an otolaryngologist;

(17) a representative from the Newborn Screening Advisory Committee under this subdivision; and

(18) a representative of the Department of Education regional low-incidence facilitators.

The commissioner must complete the appointments required under this subdivision by September 1, 2007.

(c) The Department of Health member shall chair the first meeting of the committee. At the first meeting, the committee shall elect a chair from its membership. The committee shall meet at the call of the chair, at least four times a year. The committee shall adopt written bylaws to govern its activities. The Department of Health shall

provide technical and administrative support services as required by the committee. These services shall include technical support from individuals qualified to administer infant hearing screening, rescreening, and diagnostic audiological assessments.

Members of the committee shall receive no compensation for their service, but shall be reimbursed as provided in section 15.059 for expenses incurred as a result of their duties as members of the committee.

(d) This subdivision expires June 30, ~~2013~~ 2019.

Sec. 12. Minnesota Statutes 2012, section 144.966, subdivision 3, is amended to read:

Subd. 3. **Early hearing detection and intervention programs.** All hospitals shall establish an early hearing detection and intervention (EHDI) program. Each EHDI program shall:

(1) in advance of any hearing screening testing, provide to the newborn's or infant's parents or parent information concerning the nature of the screening procedure, applicable costs of the screening procedure, the potential risks and effects of hearing loss, and the benefits of early detection and intervention;

(2) comply with parental consent under section 144.125, subdivision ~~3~~ 4;

(3) develop policies and procedures for screening and rescreening based on Department of Health recommendations;

(4) provide appropriate training and monitoring of individuals responsible for performing hearing screening tests as recommended by the Department of Health;

(5) test the newborn's hearing prior to discharge, or, if the newborn is expected to remain in the hospital for a prolonged period, testing shall be performed prior to three months of age or when medically feasible;

(6) develop and implement procedures for documenting the results of all hearing screening tests;

(7) inform the newborn's or infant's parents or parent, primary care physician, and the Department of Health according to recommendations of the Department of Health of the results of the hearing screening test or rescreening if conducted, or if the newborn or infant was not successfully tested. The hospital that discharges the newborn or infant to home is responsible for the screening; and

(8) collect performance data specified by the Department of Health.

EFFECTIVE DATE. This section is effective July 1, 2013.

Sec. 13. Minnesota Statutes 2012, section 144.966, is amended by adding a subdivision to read:

Subd. 8. **Construction.** Notwithstanding anything to the contrary, nothing in this section shall be construed as constituting newborn screening activities conducted under sections 144.125 to 144.128.

EFFECTIVE DATE. This section is effective July 1, 2013.

Sec. 14. Minnesota Statutes 2012, section 144.966, is amended by adding a subdivision to read:

Subd. 9. **Data collected.** Data collected by or submitted to the Department of Health pursuant to this section are not subject to section 144.125, subdivisions 6 to 9.

Sec. 15. Minnesota Statutes 2012, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. **Filing photograph or image; data classification.** The department shall file, or contract to file, all photographs or electronically produced images obtained in the process of issuing drivers' licenses or Minnesota identification cards. The photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographs or electronically produced images to data subjects. The use of the files is restricted:

- (1) to the issuance and control of drivers' licenses;
- (2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the investigation and prosecution of crimes, service of process, enforcement of no contact orders, location of missing persons, investigation and preparation of cases for criminal, juvenile, and traffic court, and supervision of offenders;
- (3) to public defenders, as defined in section 611.272, for the investigation and preparation of cases for criminal, juvenile, and traffic courts; ~~and~~
- (4) to child support enforcement purposes under section 256.978-; and
- (5) to a county medical examiner or coroner as required by section 390.005 as necessary to fulfill the duties under sections 390.11 and 390.25.

Sec. 16. Minnesota Statutes 2012, section 268.19, subdivision 1, is amended to read:

Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered from any person under the administration of the Minnesota Unemployment Insurance Law are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except according to a district court order or section 13.05. A subpoena is not considered a district court order. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

- (1) state and federal agencies specifically authorized access to the data by state or federal law;
- (2) any agency of any other state or any federal agency charged with the administration of an unemployment insurance program;
- (3) any agency responsible for the maintenance of a system of public employment offices for the purpose of assisting individuals in obtaining employment;
- (4) the public authority responsible for child support in Minnesota or any other state in accordance with section 256.978;
- (5) human rights agencies within Minnesota that have enforcement powers;
- (6) the Department of Revenue to the extent necessary for its duties under Minnesota laws;
- (7) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;
- (8) the Department of Labor and Industry and the Division of Insurance Fraud Prevention in the Department of Commerce for uses consistent with the administration of their duties under Minnesota law;

(9) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department or to monitor and evaluate the statewide Minnesota family investment program by providing data on recipients and former recipients of food stamps or 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;

(10) local and state welfare agencies for the purpose of identifying employment, wages, and other information to assist in the collection of an overpayment debt in an assistance program;

(11) local, state, and federal law enforcement agencies for the purpose of ascertaining the last known address and employment location of an individual who is the subject of a criminal investigation;

(12) the United States Immigration and Customs Enforcement has access to data on specific individuals and specific employers provided the specific individual or specific employer is the subject of an investigation by that agency;

(13) the Department of Health for the purposes of epidemiologic investigations;

(14) the Department of Corrections for the purpose of case planning for preprobation and postprobation employment tracking of offenders sentenced to probation and preconfinement and postconfinement employment tracking of committed offenders ~~for the purpose of case planning~~; and

(15) the state auditor to the extent necessary to conduct audits of job opportunity building zones as required under section 469.3201.

(b) Data on individuals and employers that are collected, maintained, or used by the department in an investigation under section 268.182 are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and must not be disclosed except under statute or district court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

(c) Data gathered by the department in the administration of the Minnesota unemployment insurance program must not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department.

Sec. 17. Minnesota Statutes 2012, section 299C.11, subdivision 1, is amended to read:

Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of police shall furnish the bureau, upon such form as the superintendent shall prescribe, with such finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data as may be requested or required by the superintendent of the bureau, which must be taken under the provisions of section 299C.10. In addition, sheriffs and chiefs of police shall furnish this identification data to the bureau for individuals found to have been convicted of a felony, gross misdemeanor, or targeted misdemeanor, within the ten years immediately preceding their arrest. When the bureau learns that an individual who is the subject of a background check has used, or is using, identifying information, including, but not limited to, name and date of birth, other than those listed on the criminal history, the bureau may add the new identifying information to the criminal history when supported by fingerprints.

(b) No petition under chapter 609A is required if the person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding the determination of all pending criminal actions or proceedings in favor of the arrested person, and either of the following occurred:

- (1) all charges were dismissed prior to a determination of probable cause; or
- (2) the prosecuting authority declined to file any charges and a grand jury did not return an indictment.

Where these conditions are met, the bureau or agency shall, upon demand, ~~return to~~ destroy the arrested ~~person~~ person's finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them.

(c) Except as otherwise provided in paragraph (b), upon the determination of all pending criminal actions or proceedings in favor of the arrested person, and the granting of the petition of the arrested person under chapter 609A, the bureau shall seal finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them if the arrested person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding such determination.

Sec. 18. Minnesota Statutes 2012, section 299C.46, subdivision 1, is amended to read:

Subdivision 1. **Establishment; interconnection.** The commissioner of public safety shall establish a criminal justice data communications network ~~which that will enable the interconnection of the criminal justice agencies within the state~~ provide secure access to systems and services available from or through the Bureau of Criminal Apprehension. The commissioner of public safety is authorized to lease or purchase facilities and equipment as may be necessary to establish and maintain the data communications network.

Sec. 19. Minnesota Statutes 2012, section 299C.46, subdivision 2, is amended to read:

Subd. 2. **Criminal justice agency defined.** For the purposes of sections 299C.46 to 299C.49, "criminal justice agency" means an agency of the state or ~~an agency of a political subdivision or the federal government~~ charged with detection, enforcement, prosecution, adjudication or incarceration in respect to the criminal or traffic laws of this state. This definition also includes all sites identified and licensed as a detention facility by the commissioner of corrections under section 241.021 and those federal agencies that serve part or all of the state from an office located outside the state.

Sec. 20. Minnesota Statutes 2012, section 299C.46, subdivision 2a, is amended to read:

Subd. 2a. **Noncriminal justice agency defined.** For the purposes of sections 299C.46 to 299C.49, "noncriminal justice agency" means an agency of ~~a the~~ state or ~~an agency of a~~ political subdivision of ~~a the~~ state charged with the responsibility of performing checks of state databases connected to the criminal justice data communications network.

Sec. 21. Minnesota Statutes 2012, section 299C.46, subdivision 3, is amended to read:

Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network shall be used exclusively by:

- (1) criminal justice agencies in connection with the performance of duties required by law;
- (2) agencies investigating federal security clearances of individuals for assignment or retention in federal employment with duties related to national security, as required by ~~Public Law 99-169~~ United States Code, title 5, section 9101;
- (3) other agencies to the extent necessary to provide for protection of the public or property in ~~an~~ a declared emergency or disaster situation;

(4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct checks into state databases prior to disbursing licenses or providing benefits;

(5) the public authority responsible for child support enforcement in connection with the performance of its duties;

(6) the public defender, as provided in section 611.272; ~~and~~

(7) a county attorney or the attorney general, as the county attorney's designee, for the purpose of determining whether a petition for the civil commitment of a proposed patient as a sexual psychopathic personality or as a sexually dangerous person should be filed, and during the pendency of the commitment proceedings;

(8) an agency of the state or a political subdivision whose access to systems or services provided from or through the Bureau of Criminal Apprehension is specifically authorized by federal law or regulation or state statute; and

(9) a court for access to data as authorized by federal law or regulation or state statute and related to the disposition of a pending case.

(b) The commissioner of public safety shall establish a monthly network access charge to be paid by each participating criminal justice agency. The network access charge shall be a standard fee established for each terminal, computer, or other equipment directly addressable by the data communications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.

(c) The commissioner of public safety is authorized to arrange for the connection of the data communications network with the criminal justice information system of the federal government, any ~~adjacent~~ state, or ~~Canada~~ country for the secure exchange of information for any of the purposes authorized in paragraph (a), clauses (1), (2), (3), (8), and (9).

(d) Prior to establishing a secure connection, a criminal justice agency must:

(1) agree to comply with all applicable policies governing access to, submission of, or use of the data;

(2) meet the Bureau of Criminal Apprehension's security requirements;

(3) agree to pay any required fees; and

(4) conduct fingerprint-based state and national background checks on its employees and contractors as required by the Federal Bureau of Investigation.

(e) Prior to establishing a secure connection, a noncriminal justice agency must:

(1) agree to comply with all applicable policies governing access to, submission of, or use of the data;

(2) meet the Bureau of Criminal Apprehension's security requirements;

(3) agree to pay any required fees; and

(4) conduct fingerprint-based state and national background checks on its employees and contractors.

(f) Those noncriminal justice agencies that do not have a secure network connection yet receive data either retrieved over the secure network by an authorized criminal justice agency or as a result of a state or federal criminal history records check shall conduct a background check as provided in paragraph (g) of those individuals who receive and review the data to determine another individual's eligibility for employment, housing, a license, or another legal right dependent on a statutorily-mandated background check.

(g) The background check required by paragraph (e) or (f) is accomplished by submitting a request to the superintendent of the Bureau of Criminal Apprehension that includes a signed, written consent for the Minnesota and national criminal history records check, fingerprints, and the required fee. The superintendent may exchange the fingerprints with the Federal Bureau of Investigation for purposes of obtaining the individual's national criminal history record information.

The superintendent shall return the results of the national criminal history records check to the noncriminal justice agency to determine if the individual is qualified to have access to state and federal criminal history record information or the secure network. An individual is disqualified when the state and federal criminal history record information shows any of the disqualifiers that the individual will apply to the records of others.

When the individual is to have access to the secure network, the noncriminal justice agency will review the criminal history of each employee or contractor with the Criminal Justice Information Services systems officer at the Bureau of Criminal Apprehension, or the officer's designee, to determine if the employee or contractor qualifies for access to the secure network. The Criminal Justice Information Services systems officer or the designee will make the access determination based on Federal Bureau of Investigation policy and Bureau of Criminal Apprehension policy.

Sec. 22. **[299C.72] MINNESOTA CRIMINAL HISTORY CHECKS.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given.

(a) "Applicant for employment" means an individual who seeks either county or city employment or has applied to serve as a volunteer in the county or city.

(b) "Applicant for licensure" means an individual who seeks a license issued by the county or city which is not subject to a federal or state-mandated background check.

(c) "Authorized law enforcement agency" means the county sheriff for checks conducted for county purposes, the police department for checks conducted for city purposes, or the county sheriff for checks conducted for city purposes where there is no police department.

(d) "Criminal history check" means retrieval of criminal history data via the secure network described in section 299C.46.

(e) "Criminal history data" means adult convictions and adult open arrests less than one year old found in the Minnesota computerized criminal history repository.

(f) "Informed consent" has the meaning given in section 13.05, subdivision 4, paragraph (d).

Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized by this section cannot be used in place of a statutorily-mandated or authorized background check.

(b) An authorized law enforcement agency may conduct a criminal history check of an individual who is an applicant for employment or applicant for licensure. Prior to conducting the criminal history check, the authorized law enforcement agency must receive the informed consent of the individual.

(c) The authorized law enforcement agency cannot disseminate criminal history data and must maintain the data securely with the agency's office. The authorized law enforcement agency can indicate whether the applicant for employment or applicant for licensure has a criminal history that would prevent hire or acceptance as a volunteer to a hiring authority, or would prevent the issuance of a license to the department that issues the license.

Sec. 23. Minnesota Statutes 2012, section 299F.035, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Minnesota criminal history data" ~~has the meaning given in section 13.87~~ means adult convictions and juvenile adjudications.

~~(c) "Criminal justice agency" has the meaning given in section 299C.46, subdivision 2.~~

~~(d)~~ "Fire department" has the meaning given in section 299N.01, subdivision 2.

~~(e)~~ (d) "Private data" has the meaning given in section 13.02, subdivision 12.

Sec. 24. Minnesota Statutes 2012, section 299F.035, subdivision 2, is amended to read:

Subd. 2. **Plan for access to data.** ~~(a) The superintendent of the Bureau of Criminal Apprehension, in consultation with the state fire marshal, shall develop and implement a plan for fire departments to have access to criminal history data~~ A background check must be conducted on all applicants for employment and may be conducted on current employees at a fire department. The fire chief must conduct a Minnesota criminal history record check. For applicants for employment who have lived in Minnesota for less than five years, or on the request of the fire chief, a national criminal history record check must also be conducted.

~~(b) The plan must include:~~

~~(1) security procedures to prevent unauthorized use or disclosure of private data; and~~

~~(2) a procedure for the hiring or employing authority in each fire department to fingerprint job applicants or employees, submit requests to the Bureau of Criminal Apprehension, and obtain state and federal criminal history data reports for a nominal fee.~~

(b) For a Minnesota criminal history record check, the fire chief must either (i) submit the signed informed consent of the applicant or employee and the required fee to the superintendent, or (ii) submit the signed informed consent to the chief of police. The superintendent or chief must retrieve Minnesota criminal history data and provide the data to the fire chief for review.

(c) For a national criminal history record check, the fire chief must submit the signed informed consent and fingerprints of the applicant or employee, and the required fee, to the superintendent. The superintendent may exchange the fingerprints with the Federal Bureau of Investigation to obtain the individual's national criminal history record information. The superintendent must return the results of the national criminal history record check to the fire chief for the purpose of determining if the applicant is qualified to be employed or if a current employee is able to retain the employee's position.

Sec. 25. Minnesota Statutes 2012, section 299F.77, is amended to read:

299F.77 ISSUANCE TO CERTAIN PERSONS PROHIBITED.

Subdivision 1. **Disqualifiers.** The following persons shall not be entitled to receive an explosives license or permit:

(1) a person under the age of 18 years;

(2) a person who has been convicted in this state or elsewhere of a crime of violence, as defined in section 299F.72, subdivision 1b, unless ten years have elapsed since the person's civil rights have been restored or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions that would have been crimes of violence if they had been committed in this state;

(3) a person who is or has ever been confined or committed 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, to a treatment facility, 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;

(4) a person who has been convicted in Minnesota or elsewhere for the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or 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; and

(5) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as chemically dependent, as defined in section 253B.02, unless the person has completed treatment.

Subd. 2. Background check. (a) For licenses issued by the commissioner under section 299F.73, the applicant for licensure must provide the commissioner with all of the information required by Code of Federal Regulations, title 28, section 25.7. The commissioner will forward the information to the superintendent of the Bureau of Criminal Apprehension so that criminal records, histories, and warrant information on the applicant can be retrieved from the Minnesota Crime Information System and the National Instant Criminal Background Check System, as well as the civil commitment records maintained by the Department of Human Services. The results must be returned to the commissioner to determine if the individual applicant is qualified to receive a license.

(b) For permits issued by a county sheriff or chief of police under section 299F.75, the applicant for a permit must provide the county sheriff or chief of police with all of the information required by Code of Federal Regulations, title 28, section 25.7. The county sheriff or chief of police must check, by means of electronic data transfer, criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System and the National Instant Criminal Background Check System, as well as the civil commitment records maintained by the Department of Human Services. The county sheriff or police chief shall use the results of the query to determine if the individual applicant is qualified to receive a permit.

Sec. 26. Minnesota Statutes 2012, section 340A.301, subdivision 2, is amended to read:

Subd. 2. **Persons eligible.** (a) Licenses under this section may be issued only to a person who:

(1) is of good moral character and repute;

(2) is 21 years of age or older;

(3) has not had a license issued under this chapter revoked within five years of the date of license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; and

(4) has not been convicted within five years of the date of license application of a felony, or of a willful violation of a federal or state law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of alcoholic beverages. The Alcohol and Gambling Enforcement Division may require that fingerprints be taken and may forward the fingerprints to the Federal Bureau of Investigation for purposes of a criminal history check.

(b) In order to determine if an individual has a felony or willful violation of federal or state law governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage, the applicant for a license to manufacture or sell at wholesale must provide the commissioner with the applicant's signed, written informed consent to conduct a background check. The commissioner may query the Minnesota criminal history repository for records on the applicant. If the commissioner conducts a national criminal history record check, the commissioner must obtain fingerprints from the applicant and forward them and the required fee to the superintendent of the Bureau of Criminal Apprehension. The superintendent may exchange the fingerprints with the Federal Bureau of Investigation for purposes of obtaining the applicant's national criminal history record information. The superintendent shall return the results of the national criminal history records check to the commissioner for the purpose of determining if the applicant is qualified to receive a license.

Sec. 27. Minnesota Statutes 2012, section 340A.402, is amended to read:

340A.402 PERSONS ELIGIBLE.

Subdivision 1. **Disqualifiers.** No retail license may be issued to:

(1) a person under 21 years of age;

(2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;

(3) a person not of good moral character and repute; or

(4) a person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage. The Alcohol and Gambling Enforcement Division or licensing authority may require that fingerprints be taken and forwarded to the Federal Bureau of Investigation for purposes of a criminal history check.

Subd. 2. **Background check.** (a) A retail liquor license may be issued by a city, a county, or the commissioner. The chief of police is responsible for the background checks prior to a city issuing a retail liquor license. A county sheriff is responsible for the background checks prior to the county issuing a retail liquor license and for those cities that do not have a police department. The commissioner is responsible for the background checks prior to the state issuing a retail liquor license.

(b) The applicant for a retail license must provide the appropriate authority with the applicant's signed, written informed consent to conduct a background check. The appropriate authority is authorized to query the Minnesota criminal history repository for records on the applicant. If the appropriate authority conducts a national criminal

history records check, the appropriate authority must obtain fingerprints from the applicant and forward the fingerprints and the required fee to the superintendent of the Bureau of Criminal Apprehension. The superintendent may exchange the fingerprints with the Federal Bureau of Investigation for purposes of obtaining the applicant's national criminal history record information. The superintendent shall return the results of the national criminal history records check to the appropriate authority for the purpose of determining if the applicant is qualified to receive a license.

Sec. 28. Minnesota Statutes 2012, section 611A.203, subdivision 4, is amended to read:

Subd. 4. **Duties; access to data.** (a) The domestic fatality review team shall collect, review, and analyze death certificates and death data, including investigative reports, medical and counseling records, victim service records, employment records, child abuse reports, or other information concerning domestic violence deaths, survivor interviews and surveys, and other information deemed by the team as necessary and appropriate concerning the causes and manner of domestic violence deaths.

(b) The review team has access to the following not public data, as defined in section 13.02, subdivision 8a, relating to a case being reviewed by the team: inactive law enforcement investigative data under section 13.82; autopsy records and coroner or medical examiner investigative data under section 13.83; hospital, public health, or other medical records of the victim under section 13.384; records under section 13.46, created by social service agencies that provided services to the victim, the alleged perpetrator, or another victim who experienced or was threatened with domestic abuse by the perpetrator; and child maltreatment records under section 626.556, relating to the victim or a family or household member of the victim. Access to medical records under this paragraph also includes records governed by sections 144.291 to 144.298. The review team has access to corrections and detention data as provided in section 13.85.

(c) As part of any review, the domestic fatality review team may compel the production of other records by applying to the district court for a subpoena, which will be effective throughout the state according to the Rules of Civil Procedure.

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

Sec. 29. **REPEALER.**

Minnesota Statutes 2012, section 299A.28, is repealed."

Delete the title and insert:

"A bill for an act relating to state government; classifying or modifying certain provisions concerning data practices; requiring informed consent; amending definitions; allowing disclosure of certain data; allowing access to certain records; making technical changes; modifying certain provisions regarding transportation and health data; modifying certain provisions regarding criminal history records, criminal background checks, and other criminal justice data provisions; extending for six years the sunset provision for the newborn screening advisory committee; repealing the McGruff safe house program; amending Minnesota Statutes 2012, sections 13.37, subdivision 1; 13.386, subdivision 3; 13.43, subdivision 2; 13.64, subdivision 2; 13.72, subdivision 10, by adding subdivisions; 144.966, subdivisions 2, 3, by adding subdivisions; 171.07, subdivision 1a; 268.19, subdivision 1; 299C.11, subdivision 1; 299C.46, subdivisions 1, 2, 2a, 3; 299F.035, subdivisions 1, 2; 299F.77; 340A.301, subdivision 2; 340A.402; 611A.203, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 13; 144; 299C; repealing Minnesota Statutes 2012, section 299A.28."

The motion prevailed and the amendment was adopted.

Scott moved to amend S. F. No. 745, the second engrossment, as amended, as follows:

Page 11, after line 29, insert:

"Sec. 11. **[144.193] INVENTORY OF BIOLOGICAL AND HEALTH DATA.**

By February 1, 2014, and annually after that date, the commissioner shall prepare an inventory of biological specimens, registries, and health data and databases collected or maintained by the commissioner. In addition to the inventory, the commissioner shall provide the schedules for storage of health data and biological specimens. The inventories must be listed in reverse chronological order beginning with the year 2012. The commissioner shall make the inventory and schedules available on the department's Web site and submit the inventory and schedules to the chairs and ranking minority members of the committees of the legislature with jurisdiction over health policy and data practices issues."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Scott moved to amend S. F. No. 745, the second engrossment, as amended, as follows:

Page 13, line 30, strike "consent" and insert "election as described"

Page 14, after line 12, insert:

"Sec. 13. Minnesota Statutes 2012, section 144.966, subdivision 4, is amended to read:

Subd. 4. **Notification and information; data retention and destruction.** (a) Notification to the parents or parent, primary care provider, and the Department of Health shall occur prior to discharge or no later than ten days following the date of testing. Notification shall include information recommended by the Department of Health and information regarding the right of the parent or legal guardian to discontinue storage of the test results and require destruction under paragraph (d).

(b) A physician, nurse, midwife, or other health professional attending a birth outside a hospital or institution shall provide information, orally and in writing, as established by the Department of Health, to parents regarding places where the parents may have their infant's hearing screened and the importance of the screening.

(c) The professional conducting the diagnostic procedure to confirm the hearing loss must report the results to the parents, primary care provider, and Department of Health according to the Department of Health recommendations.

(d) The Department of Health may store hearing screening and rescreening test results for a period of time not to exceed 18 years from the infant's date of birth.

(e) Notwithstanding paragraph (d), a parent or legal guardian may instruct the Department of Health to discontinue storing hearing screening and rescreening test results by providing a signed and dated form requesting destruction of the test results. The Department of Health shall make necessary forms available on the department's

Web site. If a parent or legal guardian instructs the Department of Health to discontinue storing hearing screening and rescreening test results, the Department of Health shall destroy the test results within one month of receipt of the instruction or within 25 months after it received the last test result, whichever is later."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holberg moved to amend S. F. No. 745, the second engrossment, as amended, as follows:

Page 6, delete section 7

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

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

S. F. No. 745, A bill for an act relating to state government; classifying or modifying certain provisions concerning data practices; requiring informed consent; amending definitions; allowing disclosure of certain data; allowing access to certain records; making technical changes; modifying certain provisions regarding transportation and health data; modifying certain provisions regarding criminal history records, criminal background checks, and other criminal justice data provisions; extending for six years the sunset provision for the newborn screening advisory committee; providing for accreditation of forensic laboratories; repealing the McGruff safe house program; amending Minnesota Statutes 2012, sections 13.37, subdivision 1; 13.386, subdivision 3; 13.43, subdivisions 2, 14; 13.64, subdivision 2; 13.72, subdivision 10, by adding subdivisions; 144.966, subdivisions 2, 3, 4, by adding subdivisions; 171.07, subdivision 1a; 171.12, subdivision 7; 241.065, subdivision 4; 268.19, subdivision 1; 299C.11, subdivision 1; 299C.46, subdivisions 1, 2, 2a, 3; 299F.035, subdivisions 1, 2; 299F.77; 340A.301, subdivision 2; 340A.402; 611.272; 626.556, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 13; 144; 299C; repealing Minnesota Statutes 2012, section 299A.28.

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 73 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Allen	Benson, J.	Brynaert	Davnie	Dorholt	Faust
Anzelc	Bernardy	Carlson	Dehn, R.	Erhardt	Fischer
Atkins	Bly	Clark	Dill	Erickson, R.	Freiberg

Fritz	Johnson, S.	Mariani	Murphy, M.	Rosenthal	Ward, J.A.
Halverson	Kahn	Marquart	Myhra	Sawatzky	Ward, J.E.
Hansen	Laine	Masin	Nelson	Schoen	Winkler
Hausman	Lenczewski	McNamar	Newton	Scott	Yarusso
Hilstrom	Lesch	Melin	Norton	Selcer	Spk. Thissen
Hornstein	Liebling	Metsa	Paymar	Simon	
Hortman	Lien	Moran	Pelowski	Simonson	
Huntley	Lillie	Morgan	Persell	Slocum	
Isaacson	Loeffler	Mullery	Poppe	Sundin	
Johnson, C.	Mahoney	Murphy, E.	Radinovich	Wagenius	

Those who voted in the negative were:

Abeler	Davids	Gunther	Kiel	O'Driscoll	Theis
Albright	Dettmer	Hackbarth	Kresha	O'Neill	Torkelson
Anderson, M.	Drazkowski	Hamilton	Leidiger	Peppin	Uglen
Anderson, P.	Erickson, S.	Hertaus	Lohmer	Petersburg	Urdahl
Anderson, S.	Fabian	Holberg	Loon	Pugh	Wills
Barrett	FitzSimmons	Hoppe	Mack	Quam	Woodard
Beard	Franson	Howe	McDonald	Runbeck	Zellers
Benson, M.	Garofalo	Johnson, B.	McNamara	Sanders	Zerwas
Cornish	Green	Kelly	Newberger	Schomacker	
Daudt	Gruenhagen	Kieffer	Nornes	Swedzinski	

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

S. F. No. 442, A bill for an act relating to human services; modifying membership requirements for the Council on Disability; amending Minnesota Statutes 2012, section 256.482, subdivision 1.

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

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

Those who voted in the affirmative were:

Abeler	Daudt	Garofalo	Johnson, B.	Mack	Newton
Albright	Davids	Green	Johnson, C.	Mahoney	Nornes
Allen	Davnie	Gruenhagen	Johnson, S.	Mariani	Norton
Anderson, M.	Dehn, R.	Gunther	Kahn	Marquart	O'Driscoll
Anderson, P.	Dettmer	Hackbarth	Kelly	Masin	O'Neill
Anderson, S.	Dill	Halverson	Kieffer	McDonald	Paymar
Anzelc	Dorholt	Hamilton	Kiel	McNamar	Pelowski
Atkins	Drazkowski	Hansen	Kresha	McNamara	Peppin
Barrett	Erhardt	Hausman	Laine	Melin	Persell
Beard	Erickson, R.	Hertaus	Leidiger	Metsa	Petersburg
Benson, J.	Erickson, S.	Hilstrom	Lenczewski	Moran	Poppe
Benson, M.	Fabian	Holberg	Lesch	Morgan	Pugh
Bernardy	Faust	Hoppe	Liebling	Mullery	Quam
Bly	Fischer	Hornstein	Lien	Murphy, E.	Radinovich
Brynaert	FitzSimmons	Hortman	Lillie	Murphy, M.	Rosenthal
Carlson	Franson	Howe	Loeffler	Myhra	Runbeck
Clark	Freiberg	Huntley	Lohmer	Nelson	Sanders
Cornish	Fritz	Isaacson	Loon	Newberger	Sawatzky

Schoen	Simon	Swedzinski	Urdahl	Wills	Zellers
Schomacker	Simonson	Theis	Wagenius	Winkler	Zerwas
Scott	Slocum	Torkelson	Ward, J.A.	Woodard	Spk. Thissen
Selcer	Sundin	Uglem	Ward, J.E.	Yarusso	

The bill was passed and its title agreed to.

S. F. No. 422, A bill for an act relating to children; creating the Family Reunification Act of 2013; amending Minnesota Statutes 2012, section 260C.101, subdivision 2; 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1016, A bill for an act relating to nursing; modifying definitions in the Minnesota Nurse Practicing Act; amending Minnesota Statutes 2012, sections 148.171, subdivisions 14, 15, by adding subdivisions; 148.271; repealing Minnesota Statutes 2012, section 148.171, subdivision 12; Minnesota Rules, part 6321.0100.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 841, A bill for an act relating to human services; modifying requirements for assessments; amending Minnesota Statutes 2012, section 256B.0911, subdivision 3a.

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

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

Those who voted in the affirmative were:

Abeler	Bernardy	Dorholt	Garofalo	Hoppe	Kiel
Albright	Bly	Drazkowski	Green	Hornstein	Kresha
Allen	Brynaert	Erhardt	Gruenhagen	Hortman	Laine
Anderson, M.	Carlson	Erickson, R.	Gunther	Howe	Leidiger
Anderson, P.	Clark	Erickson, S.	Hackbarth	Huntley	Lenczewski
Anderson, S.	Cornish	Fabian	Halverson	Isaacson	Lesch
Anzelc	Daudt	Faust	Hamilton	Johnson, B.	Liebling
Atkins	Davids	Fischer	Hansen	Johnson, C.	Lien
Barrett	Davnie	FitzSimmons	Hausman	Johnson, S.	Lillie
Beard	Dehn, R.	Franson	Hertaus	Kahn	Loeffler
Benson, J.	Dettmer	Freiberg	Hilstrom	Kelly	Lohmer
Benson, M.	Dill	Fritz	Holberg	Kieffer	Loon

Mack	Moran	Norton	Quam	Simon	Ward, J.A.
Mahoney	Morgan	O'Driscoll	Radinovich	Simonson	Ward, J.E.
Mariani	Mullery	O'Neill	Rosenthal	Slocum	Wills
Marquart	Murphy, E.	Paymar	Runbeck	Sundin	Winkler
Masin	Murphy, M.	Pelowski	Sanders	Swedzinski	Woodard
McDonald	Myhra	Peppin	Sawatzky	Theis	Yarusso
McNamar	Nelson	Persell	Schoen	Torkelson	Zellers
McNamara	Newberger	Petersburg	Schomacker	Uglen	Zerwas
Melin	Newton	Poppe	Scott	Urdahl	Spk. Thissen
Metsa	Nornes	Pugh	Selcer	Wagenius	

The bill was passed and its title agreed to.

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

S. F. No. 840 was reported to the House.

Hansen moved to amend S. F. No. 840, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 568, the second engrossment:

"Section 1. Minnesota Statutes 2012, section 181.940, subdivision 4, is amended to read:

Subd. 4. **Child.** "Child" means an individual under 18 years of age or an individual under age 20 who is still attending secondary school, except as otherwise provided.

Sec. 2. Minnesota Statutes 2012, section 181.9413, is amended to read:

181.9413 SICK OR INJURED CHILD CARE LEAVE BENEFITS; CARE OF RELATIVES.

(a) An employee may use personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's minor or adult child, spouse, sibling, parent, grandparent, or stepparent, for ~~such~~ reasonable periods of time as the employee's attendance ~~with the child~~ may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. This section applies only to personal sick leave benefits payable to the employee from the employer's general assets.

(b) For purposes of this section, "personal sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness or injury, but does not include short-term or long-term disability or other salary continuation benefits.

(c) This section does not prevent an employer from providing greater sick leave benefits than are provided for under this section, nor does it alter an employer's existing sick leave policies or labor agreements that allow the use of sick leave for the care of a minor or adult child, spouse, sibling, parent, grandparent, or stepparent.

EFFECTIVE DATE. (a) This section is effective August 1, 2013, and applies to sick leave used on or after that date, except as provided in paragraph (b).

(b) The effective date of this section for the state is July 1, 2015, or the effective date of a collective bargaining agreement or compensation plan containing the changes in this section that is approved under section 3.855, whichever is sooner."

Delete the title and insert:

"A bill for an act relating to employment; modifying use of personal sick leave benefits; amending Minnesota Statutes 2012, sections 181.940, subdivision 4; 181.9413."

The motion prevailed and the amendment was adopted.

S. F. No. 840, A bill for an act relating to employment; modifying use of personal sick leave benefits; amending Minnesota Statutes 2012, section 181.9413.

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 100 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Allen	Dill	Hornstein	Loon	Newton	Simonson
Anderson, P.	Dorholt	Hortman	Mack	Norton	Slocum
Anzelc	Erhardt	Huntley	Mahoney	O'Driscoll	Sundin
Atkins	Erickson, R.	Isaacson	Mariani	O'Neill	Swedzinski
Barrett	Faust	Johnson, C.	Marquart	Paymar	Theis
Benson, J.	Fischer	Johnson, S.	Masin	Pelowski	Torkelson
Benson, M.	Franson	Kahn	McNamar	Persell	Uglen
Bernardy	Freiberg	Kieffer	McNamara	Petersburg	Urdahl
Bly	Fritz	Kiel	Melin	Poppe	Wagenius
Brynaert	Garofalo	Kresha	Metsa	Pugh	Ward, J.A.
Carlson	Green	Laine	Moran	Radinovich	Ward, J.E.
Clark	Gunther	Lenczewski	Morgan	Rosenthal	Wills
Cornish	Halverson	Lesch	Mullery	Sanders	Winkler
Davids	Hansen	Liebling	Murphy, E.	Sawatzky	Yarusso
Davnie	Hausman	Lien	Murphy, M.	Schoen	Spk. Thissen
Dehn, R.	Hilstrom	Lillie	Myhra	Selcer	
Dettmer	Hoppe	Loeffler	Nelson	Simon	

Those who voted in the negative were:

Albright	Drazkowski	Hamilton	Leidiger	Quam	Zerwas
Anderson, M.	Erickson, S.	Hertaus	Lohmer	Runbeck	
Anderson, S.	Fabian	Holberg	McDonald	Schomacker	
Beard	FitzSimmons	Howe	Newberger	Scott	
Daudt	Gruenhagen	Johnson, B.	Nornes	Woodard	
Dean, M.	Hackbarth	Kelly	Peppin	Zellers	

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

H. F. No. 1118, A bill for an act relating to bonds; modifying requirements for bond security; amending Minnesota Statutes 2012, section 574.01.

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 119 yeas and 11 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Drazkowski	FitzSimmons	Hackbarth	Kieffer	McDonald	Peppin
Erickson, S.	Garfalo	Hertaus	Leidiger	Newberger	

The bill was passed and its title agreed to.

S. F. No. 663 was reported to the House.

Johnson, C., moved that S. F. No. 663 be re-referred to the Committee on Environment and Natural Resources Policy. The motion prevailed.

S. F. No. 769 was reported to the House.

Rosenthal moved to amend S. F. No. 769, the second engrossment, as follows:

Page 1, delete section 1 and insert:

"Section 1. **[13.854] RELEASE OF ARRESTED, DETAINED, OR CONFINED PERSON; AUTOMATED NOTIFICATION SERVICE.**

For requests for notification of change in custody status of an arrested, detained, or confined person from the Department of Corrections or other custodial authority made through an automated electronic notification system, all identifying information regarding the person requesting notification and that the notice was requested and provided to that person by the automated system is classified as private data on individuals as defined in section 13.02, subdivision 12, and is accessible only to that person."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 790 was reported to the House.

Scott moved to amend H. F. No. 790 as follows:

Page 3, after line 17, insert:

"Sec. 5. Minnesota Statutes 2012, section 609.3455, subdivision 8, is amended to read:

Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The provisions of this subdivision relating to conditional release apply to all sex offenders sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is governed by provisions relating to supervised release. The commissioner of corrections may not dismiss an offender on conditional release from supervision until the offender's conditional release term expires.

(b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person released under this subdivision. The plan may include co-payments from offenders, third-party payers, local agencies, or other funding sources as they are identified. This section does not require the commissioner to accept or retain an offender in a treatment program. Before the offender is placed on conditional release, the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced of the terms of the offender's conditional release. The commissioner also shall make reasonable efforts to notify the victim of the offender's crime of the terms of the offender's conditional release.

(c) If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve all or a part of the remaining portion of the conditional release term in prison. An offender, while on supervised release, is not entitled to credit against the offender's conditional release term for time served in confinement for a violation of release.

EFFECTIVE DATE. This section is effective August 1, 2013, and applies to crimes committed on or after that date."

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. 790, A bill for an act relating to public safety; clarifying when conditional release terms of certain offenders begin; amending Minnesota Statutes 2012, sections 243.166, subdivision 5a; 609.2231, subdivision 3a; 609.3455, subdivisions 6, 7, 8; 617.246, subdivision 7; 617.247, subdivision 9.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Anderson, P.	Atkins	Benson, J.	Bly	Clark
Allen	Anderson, S.	Barrett	Benson, M.	Brynaert	Cornish
Anderson, M.	Anzelc	Beard	Bernardy	Carlson	Daudt

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

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Murphy, E., from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Monday, April 29, 2013 and established a prefilng requirement for amendments offered to the following bills:

H. F. Nos. 829, 938, 1138, 1389, 1221, 1470 and 1400; and S. F. Nos. 345 and 1291.

MOTIONS AND RESOLUTIONS

Dehn, R., moved that the name of Davnie be added as an author on H. F. No. 276. The motion prevailed.

Persell moved that the name of Schoen be added as an author on H. F. No. 458. The motion prevailed.

Atkins moved that the name of Schoen be added as an author on H. F. No. 459. The motion prevailed.

Clark moved that the name of Davnie be added as an author on H. F. No. 1496. The motion prevailed.

Pelowski moved that the names of Hortman, Freiberg and Morgan be added as authors on H. F. No. 1692. The motion prevailed.

Bernardy moved that the name of Garofalo be added as an author on H. F. No. 1803. The motion prevailed.

ADJOURNMENT

Murphy, E., moved that when the House adjourns today it adjourn until 10:00 a.m., Friday, April 26, 2013. The motion prevailed.

Murphy, E., moved that the House adjourn. The motion prevailed, and Speaker pro tempore Hortman declared the House stands adjourned until 10:00 a.m., Friday, April 26, 2013.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives