

## STATE OF MINNESOTA

## EIGHTY-NINTH SESSION — 2015

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 FIFTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 8, 2015

The House of Representatives convened at 9:00 a.m. and was called to order by Tim O'Driscoll, Speaker pro tempore.

Prayer was offered by Brian E. Konkol, Chaplain of Gustavus Adolphus College, St. Peter, 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:

Albright	Dean, M.	Hausman	Liebling	Nash	Schoen
Allen	Dehn, R.	Heintzeman	Lien	Nelson	Schomacker
Anderson, P.	Dettmer	Hertaus	Loeffler	Newberger	Schultz
Anderson, S.	Drazkowski	Hilstrom	Lohmer	Newton	Scott
Applebaum	Erhardt	Hoppe	Loon	Nornes	Selcer
Atkins	Erickson	Hornstein	Loonan	Norton	Smith
Backer	Fabian	Hortman	Lucero	O'Driscoll	Sundin
Baker	Fenton	Howe	Lueck	O'Neill	Swedzinski
Barrett	Fischer	Isaacson	Mack	Pelowski	Theis
Bennett	Franson	Johnson, B.	Mahoney	Peppin	Thissen
Bernardy	Freiberg	Johnson, C.	Mariani	Peterson	Torkelson
Bly	Garofalo	Johnson, S.	Marquart	Pierson	Uglem
Carlson	Green	Kahn	Masin	Pinto	Urdahl
Christensen	Gruenhagen	Kelly	McDonald	Poppe	Vogel
Clark	Gunther	Kiel	McNamara	Pugh	Ward
Considine	Hackbarth	Knoblach	Metsa	Quam	Whelan
Cornish	Halverson	Koznick	Moran	Rarick	Wills
Daniels	Hamilton	Kresha	Mullery	Rosenthal	Yarusso
Davids	Hancock	Laine	Murphy, E.	Runbeck	Youakim
Davnie	Hansen	Lenczewski	Murphy, M.	Sanders	Zerwas

A quorum was present.

Anderson, M; Anzelc; Daudt; Dill; Lesch; Lillie; Melin; Miller; Petersburg; Simonson; Slocum; Wagenius and Winkler were excused.

Persell was excused until 11:30 a.m.

Peppin moved that the House recess subject to the call of the Chair. The motion prevailed.

#### RECESS

#### RECONVENED

The House reconvened and was called to order by Speaker pro tempore O'Driscoll.

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.

Erhardt was excused between the hours of 11:15 a.m. and 11:40 a.m.

Moran was excused between the hours of 11:15 a.m. and 12:05 p.m.

#### REPORTS OF CHIEF CLERK

S. F. No. 233 and H. F. No. 523, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Zerwas moved that S. F. No. 233 be substituted for H. F. No. 523 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1504 and H. F. No. 1714, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Pierson moved that S. F. No. 1504 be substituted for H. F. No. 1714 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1698 and H. F. No. 1625, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Loonan moved that S. F. No. 1698 be substituted for H. F. No. 1625 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Peppin from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 748, A bill for an act relating to disaster assistance; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; appropriating money; authorizing the sale and issuance of state bonds.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Peppin from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2235, A bill for an act relating to workers' compensation; adopting recommendations of the workers' compensation advisory council regarding inpatient hospital payments; authorizing rulemaking; requiring a report; amending Minnesota Statutes 2014, section 176.136, subdivision 1b; proposing coding for new law in Minnesota Statutes, chapter 176.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

## SECOND READING OF SENATE BILLS

S. F. Nos. 233, 1504 and 1698 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Johnson, B., introduced:

H. F. No. 2315, A bill for an act relating to economic development; appropriating money for the transportation economic development infrastructure program.

The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance.

Hansen introduced:

H. F. No. 2316, A bill for an act relating to natural resources; requiring establishment of watershed districts in Minnesota River Basin.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance.

Poppe introduced:

H. F. No. 2317, A bill for an act relating to capital investment; appropriating money for waterways restoration in the city of Austin; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance.

Poppe introduced:

H. F. No. 2318, A bill for an act relating to capital investment; appropriating money for site improvements at the Ramsey Mill Pond in Austin; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance.

Johnson, C., and Considine introduced:

H. F. No. 2319, A bill for an act relating to human services; appropriating money to the commissioner of human services for the Minnesota Security Hospital and state-operated mental health and forensic services.

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

Mahoney introduced:

H. F. No. 2320, A bill for an act relating to unemployment insurance; providing additional unemployment benefits for certain poultry workers.

The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance.

**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. 1127, A bill for an act relating to financial institutions; providing for savings promotion raffles; amending Minnesota Statutes 2014, sections 48.15, subdivision 1; 52.04, subdivision 1; 325F.755, subdivision 6; 609.75, by adding subdivisions; 609.761, by adding a subdivision; repealing Minnesota Statutes 2014, section 609.75, subdivision 13.

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. 1770, A bill for an act relating to courts; providing for conciliation court jurisdiction to determine claims by a county against a nonresident; amending Minnesota Statutes 2014, section 491A.01, subdivision 3a, by adding a subdivision.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 997, A bill for an act relating to insurance; long-term care; reducing the minimum permitted inflation protection for a long-term care insurance partnership policy; continuing to permit other types of inflation protection; amending Minnesota Statutes 2014, sections 62S.23, subdivision 1; 62S.24, by adding a subdivision.

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

Senators Jensen, Metzen and Gazelka.

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

JOANNE M. ZOFF, Secretary of the Senate

Schomacker moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 997. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1265, A bill for an act relating to insurance; permitting individuals to contract with an insurance producer to advocate on the individual's behalf with respect to health coverage with an insurance company; regulating payment of commissions by issuers of qualified health plans; amending Minnesota Statutes 2014, sections 60K.31, by adding subdivisions; 60K.48, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62V.

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

Senators Jensen, Metzen and Gazelka.

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

JOANNE M. ZOFF, Secretary of the Senate

Davids moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1265. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 86, 229, 634, 856, 871, 1025, 1587 and 1735.

JOANNE M. ZOFF, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 86, A bill for an act relating to data practices; classifying data and providing procedures related to automated license plate readers and portable recording systems; amending Minnesota Statutes 2014, section 13.82, subdivision 15, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time.

Cornish moved that S. F. No. 86 and H. F. No. 222, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 229, A bill for an act relating to gambling; making clarifying, conforming, and technical changes relating to lawful gambling; modifying games, prizes, and other provisions regulating the conduct of lawful gambling; prohibiting director of State Lottery from offering casino-style games; amending Minnesota Statutes 2014, sections 349.12, subdivision 18, by adding subdivisions; 349.16, by adding a subdivision; 349.163, by adding subdivisions; 349.1635, subdivision 4; 349.17, subdivisions 5, 6, 9; 349.1711, subdivisions 1, 2; 349.1721, subdivision 4; 349.173; 349.181, subdivision 3; 349.19, subdivisions 2, 10, 11; 349.211, subdivisions 1, 1a, 2, by adding a subdivision; 349A.13; repealing Minnesota Statutes 2014, sections 349.169; 349.19, subdivision 9.

The bill was read for the first time.

Sanders moved that S. F. No. 229 and H. F. No. 374, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 634, A bill for an act relating to lawful gambling; making changes relating to games, licensing, reporting, and other regulatory provisions; making technical, clarifying, and conforming changes; amending Minnesota Statutes 2014, sections 349.12, subdivisions 3c, 18; 349.16, by adding a subdivision; 349.161, by adding a subdivision; 349.163, subdivision 9, by adding a subdivision; 349.1635, by adding a subdivision; 349.1641; 349.165, subdivision 5; 349.166; 349.168, subdivision 8; 349.169; 349.17, subdivisions 3, 7, 9; 349.1721, subdivision 4; 349.173; 349.181, subdivision 3; 349.19, subdivisions 2, 5; 349.211, subdivision 2; repealing Minnesota Statutes 2014, section 349.19, subdivision 9b.

The bill was read for the first time.

Atkins moved that S. F. No. 634 and H. F. No. 948, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 856, A bill for an act relating to education; directing eligible public postsecondary institutions to give full credit to students for completed PSEO courses; requiring a report; amending Minnesota Statutes 2014, sections 124D.09, subdivision 12; 135A.101, by adding a subdivision.

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

S. F. No. 871, A bill for an act relating to higher education; regulating the process for determining whether a student at the Minnesota State Colleges and Universities requires remedial education; proposing coding for new law in Minnesota Statutes, chapter 136F.

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

S. F. No. 1025, A bill for an act relating to civil actions; modifying certain protections related to public participation in government; amending Minnesota Statutes 2014, sections 554.01, subdivision 6; 554.05; proposing coding for new law in Minnesota Statutes, chapter 554; repealing Minnesota Statutes 2014, section 604A.34.

The bill was read for the first time.

Lohmer moved that S. F. No. 1025 and H. F. No. 906, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1587, A bill for an act relating to real property; extending the protection of the equity-stripping law to owners of agricultural property; amending Minnesota Statutes 2014, sections 325N.01; 325N.10, subdivisions 2, 7; 325N.17.

The bill was read for the first time.

Franson moved that S. F. No. 1587 and H. F. No. 1187, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1735, A bill for an act relating to energy; modifying the guaranteed energy-savings program; increasing the size limit of natural gas utilities not subject to rate regulation; allowing performance-based, multiyear rate plans; allowing rate recovery for natural gas extension projects; modifying the renewable energy standard; modifying certificate of need exemptions; modifying energy auditor standards; making changes to the energy improvements program for local governments; modifying eligibility for various siting requirements; providing for competitive rate schedules for energy-intensive trade-exposed electric utility customers; modifying and adding definitions; amending Minnesota Statutes 2014, sections 16C.144; 216B.02, by adding subdivisions; 216B.16, subdivisions 6, 7b, 12, 19; 216B.1691, subdivision 2a; 216B.2421, subdivision 2; 216B.2425; 216C.31; 216C.435, subdivisions 3a, 4, 5, 10, by adding a subdivision; 216C.436, subdivisions 1, 2; 216E.01, subdivision 5; 216E.021; 216E.03, subdivision 3; 216E.05, subdivision 2; 453A.02, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 216B; 216E; repealing Minnesota Statutes 2014, section 216C.436, subdivision 6.

The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance.

### CALENDAR FOR THE DAY

S. F. No. 462, A bill for an act relating to health; requiring certain health care practitioners to deliver information relating to trisomy 13, 18, and 21; imposing duties on the commissioner of health; proposing coding for new law in Minnesota Statutes, chapter 145.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Carlson	Erickson	Hamilton	Johnson, B.	Lien
Allen	Christensen	Fabian	Hancock	Johnson, C.	Loeffler
Anderson, P.	Clark	Fenton	Hansen	Johnson, S.	Lohmer
Anderson, S.	Considine	Fischer	Hausman	Kahn	Loon
Applebaum	Cornish	Franson	Heintzeman	Kelly	Loonan
Atkins	Daniels	Freiberg	Hertaus	Kiel	Lucero
Backer	Dauids	Garofalo	Hilstrom	Knoblach	Lueck
Baker	Davnie	Green	Hoppe	Koznick	Mack
Barrett	Dean, M.	Gruenhagen	Hornstein	Kresha	Mahoney
Bennett	Dehn, R.	Gunther	Hortman	Laine	Mariani
Bernardy	Dettmer	Hackbarth	Howe	Lenczewski	Marquart
Bly	Drazkowski	Halverson	Isaacson	Liebling	Masin

McDonald	Newberger	Pierson	Sanders	Swedzinski	Whelan
McNamara	Newton	Pinto	Schoen	Theis	Wills
Metsa	Nornes	Poppe	Schomacker	Thissen	Yarusso
Mullery	O'Driscoll	Pugh	Schultz	Torkelson	Youakim
Murphy, E.	O'Neill	Quam	Scott	Uglen	Zerwas
Murphy, M.	Pelowski	Rarick	Selcer	Urdahl	
Nash	Peppin	Rosenthal	Smith	Vogel	
Nelson	Peterson	Runbeck	Sundin	Ward	

The bill was passed and its title agreed to.

H. F. No. 1792, A bill for an act relating to health; making changes to provisions governing receivership of nursing homes or certified boarding care homes; amending Minnesota Statutes 2014, sections 144A.15; 256B.0641, subdivision 3; 256B.495, subdivisions 1, 5; repealing Minnesota Statutes 2014, sections 144A.14; 256B.495, subdivisions 1a, 2, 4.

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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Heintzeman	Lien	Newberger	Schultz
Allen	Dehn, R.	Hertaus	Loeffler	Newton	Scott
Anderson, P.	Dettmer	Hilstrom	Lohmer	Nornes	Selcer
Anderson, S.	Drazkowski	Hoppe	Loon	Norton	Smith
Applebaum	Erickson	Hornstein	Loonan	O'Driscoll	Sundin
Atkins	Fabian	Hortman	Lucero	O'Neill	Swedzinski
Backer	Fenton	Howe	Lueck	Pelowski	Theis
Baker	Fischer	Isaacson	Mack	Peppin	Thissen
Barrett	Franson	Johnson, B.	Mahoney	Peterson	Torkelson
Bennett	Freiberg	Johnson, C.	Mariani	Pierson	Uglen
Bernardy	Garofalo	Johnson, S.	Marquart	Pinto	Urdahl
Bly	Green	Kahn	Masin	Poppe	Vogel
Carlson	Gruenhagen	Kelly	McDonald	Pugh	Ward
Christensen	Gunther	Kiel	McNamara	Quam	Whelan
Clark	Hackbarth	Knoblach	Metsa	Rarick	Wills
Considine	Halverson	Koznick	Mullery	Rosenthal	Yarusso
Cornish	Hamilton	Kresha	Murphy, E.	Runbeck	Youakim
Daniels	Hancock	Laine	Murphy, M.	Sanders	Zerwas
Davids	Hansen	Lenczewski	Nash	Schoen	
Davnie	Hausman	Liebling	Nelson	Schomacker	

The bill was passed and its title agreed to.

H. F. No. 1535 was reported to the House.

Mack moved to amend H. F. No. 1535, the second engrossment, as follows:

Page 12, after line 18, insert:

"Sec. 18. Minnesota Statutes 2014, section 260.755, is amended by adding a subdivision to read:

Subd. 17a. **Qualified expert witness.** "Qualified expert witness" means an individual who (i) has specific knowledge of the Indian child's tribe's culture and customs, or meets the criteria in section 260.771, subdivision 6, paragraph (d), and (ii) provides testimony as required by the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912, regarding out-of-home placement or termination of parental rights relating to an Indian child."

Page 16, after line 22, insert:

"Sec. 23. Minnesota Statutes 2014, section 260.771, is amended by adding a subdivision to read:

Subd. 3a. **Good cause to deny transfer.** (a) Establishing good cause to deny transfer of jurisdiction to a tribal court is a fact-specific inquiry to be determined on a case-by-case basis. Socioeconomic conditions and the perceived adequacy of tribal or Bureau of Indian Affairs social services or judicial systems must not be considered in a determination that good cause exists. The party opposed to transfer of jurisdiction to a tribal court has the burden to prove by clear and convincing evidence that good cause to deny transfer exists. Opposition to a motion to transfer jurisdiction to tribal court must be in writing and must be served upon all parties.

(b) The court may find good cause to deny transfer to tribal court if:

(1) the Indian child's tribe does not have a tribal court or any other administrative body of a tribe vested with authority over child custody proceedings, as defined by the Indian Child Welfare Act, United States Code, title 25, chapter 21, to which the case can be transferred, and no other tribal court has been designated by the Indian child's tribe; or

(2) the evidence necessary to decide the case could not be adequately presented in the tribal court without undue hardship to the parties or the witnesses and the tribal court is unable to mitigate the hardship by any means permitted in the tribal court's rules. Without evidence of undue hardship, travel distance alone is not a basis for denying a transfer.

Sec. 24. Minnesota Statutes 2014, section 260.771, is amended by adding a subdivision to read:

Subd. 6. **Qualified expert witness and evidentiary requirements.** (a) In an involuntary foster care placement proceeding, the court must determine by clear and convincing evidence, including testimony of a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child as defined in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(e). In a termination of parental rights proceeding, the court must determine by evidence beyond a reasonable doubt, including testimony of a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child as defined in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(f).

(b) The local social services agency or any other party shall make diligent efforts to locate and present to the court a qualified expert witness designated by the Indian child's tribe. The qualifications of a qualified expert witness designated by the child's tribe are not subject to a challenge in Indian child custody proceedings.

(c) If a party cannot obtain testimony from a tribally designated qualified expert witness, the party shall submit to the court the diligent efforts made to obtain a tribally designated qualified expert witness.

(d) If clear and convincing evidence establishes that a party's diligent efforts cannot produce testimony from a tribally designated qualified expert witness, the party shall demonstrate to the court that a proposed qualified expert witness is, in descending order of preference:

(1) a member of the child's tribe who is recognized by the Indian child's tribal community as knowledgeable in tribal customs as they pertain to family organization and child-rearing practices; or

(2) an Indian person from an Indian community who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and contemporary and traditional child-rearing practices of the Indian child's tribe.

If clear and convincing evidence establishes that diligent efforts have been made to obtain a qualified expert witness who meets the criteria in clause (1) or (2), but those efforts have not been successful, a party may use an expert witness, as defined by the Minnesota Rules of Evidence, rule 702, who has substantial experience in providing services to Indian families and who has substantial knowledge of prevailing social and cultural standards and child-rearing practices within the Indian community. The court or any party may request the assistance of the Indian child's tribe or the Bureau of Indian Affairs agency serving the Indian child's tribe in locating persons qualified to serve as expert witnesses.

(e) The court may allow alternative methods of participation and testimony in state court proceedings by a qualified expert witness, such as participation or testimony by telephone, videoconferencing, or other methods.

Sec. 25. Minnesota Statutes 2014, section 260.771, is amended by adding a subdivision to read:

**Subd. 7. Order of placement preference; deviation.** (a) The court must follow the order of placement preferences required by the Indian Child Welfare Act of 1978, United States Code, title 25, section 1915, when placing an Indian child.

(b) The court may place a child outside the order of placement preferences only if the court determines there is good cause based on:

(1) the reasonable request of the Indian child's parents, if one or both parents attest that they have reviewed the placement options that comply with the order of placement preferences;

(2) the reasonable request of the Indian child if the child is able to understand and comprehend the decision that is being made;

(3) the testimony of a qualified expert designated by the child's tribe and, if necessary, testimony from an expert witness who meets qualifications of subdivision 6, paragraph (d), clause (2), that supports placement outside the order of placement preferences due to extraordinary physical or emotional needs of the child that require highly specialized services; or

(4) the testimony by the local social services agency that a diligent search has been conducted that did not locate any available, suitable families for the child that meet the placement preference criteria.

(c) Testimony of the child's bonding or attachment to a foster family alone, without the existence of at least one of the factors in paragraph (b), shall not be considered good cause to keep an Indian child in a lower preference or nonpreference placement.

(d) A party who proposes that the required order of placement preferences not be followed bears the burden of establishing by clear and convincing evidence that good cause exists to modify the order of placement preferences.

(e) If the court finds there is good cause to place outside the order of placement preferences, the court must make written findings.

(f) A good cause finding under this subdivision must consider whether active efforts were provided to extended family members who are considered the primary placement option to assist them in becoming a placement option for the child as required by section 260.762.

(g) When a child is placed outside the order of placement preferences, good cause to continue this placement must be determined at every stage of the proceedings."

Page 52, after line 33, insert:

"Sec. 10. Minnesota Statutes 2014, section 256B.0943, subdivision 7, is amended to read:

Subd. 7. **Qualifications of individual and team providers.** (a) An individual or team provider working within the scope of the provider's practice or qualifications may provide service components of children's therapeutic services and supports that are identified as medically necessary in a client's individual treatment plan.

(b) An individual provider must be qualified as:

(1) a mental health professional as defined in subdivision 1, paragraph ~~(n)~~ (o); or

(2) a mental health practitioner or clinical trainee. The mental health practitioner or clinical trainee must work under the clinical supervision of a mental health professional; or

(3) a mental health behavioral aide working under the clinical supervision of a mental health professional to implement the rehabilitative mental health services previously introduced by a mental health professional or practitioner and identified in the client's individual treatment plan and individual behavior plan.

(A) A level I mental health behavioral aide must:

(i) be at least 18 years old;

(ii) have a high school diploma or general equivalency diploma (GED) or two years of experience as a primary caregiver to a child with severe emotional disturbance within the previous ten years; and

(iii) meet preservice and continuing education requirements under subdivision 8.

(B) A level II mental health behavioral aide must:

(i) be at least 18 years old;

(ii) have an associate or bachelor's degree or 4,000 hours of experience in delivering clinical services in the treatment of mental illness concerning children or adolescents or complete a certificate program established under subdivision 8a; and

(iii) meet preservice and continuing education requirements in subdivision 8.

(c) A day treatment multidisciplinary team must include at least one mental health professional or clinical trainee and one mental health practitioner.

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

Page 56, line 5, strike "(p)" and insert "(t)"

Page 73, after line 34, insert:

"Sec. 16. Minnesota Statutes 2014, section 245A.14, subdivision 14, is amended to read:

Subd. 14. **Attendance records for publicly funded services.** (a) A child care center licensed under this chapter and according to Minnesota Rules, chapter 9503, must maintain documentation of actual attendance for each child receiving care for which the license holder is reimbursed by a governmental program. The records must be accessible to the commissioner during the program's hours of operation, they must be completed on the actual day of attendance, and they must include:

- (1) the first and last name of the child;
- (2) the time of day that the child was dropped off; and
- (3) the time of day that the child was picked up.

(b) A family child care provider licensed under this chapter and according to Minnesota Rules, chapter 9502, must maintain documentation of actual attendance for each child receiving care for which the license holder is reimbursed for the care of that child by a governmental program. The records must be accessible to the commissioner during the program's hours of operation, they must be completed on the actual day of attendance, and they must include:

- (1) the first and last name of the child;
- (2) the time of day that the child was dropped off; and
- (3) the time of day that the child was picked up.

(c) An adult day services program licensed under this chapter and according to Minnesota Rules, parts 9555.5105 to 9555.6265, must maintain documentation of actual attendance for each adult day service recipient for which the license holder is reimbursed by a governmental program. The records must be accessible to the commissioner during the program's hours of operation, they must be completed on the actual day of attendance, and they must include:

- (1) the first, middle, and last name of the recipient;
- (2) the time of day that the recipient was dropped off; and
- (3) the time of day that the recipient was picked up.

(d) The commissioner shall not issue a correction for attendance record errors that occur before August 1, 2013."

Page 84, after line 25, insert:

"Sec. 32. Minnesota Statutes 2014, section 245A.50, subdivision 1, is amended to read:

Subdivision 1. **Initial training.** (a) License holders, caregivers, and substitutes must comply with the training requirements in this section.

(b) Helpers who assist with care on a regular basis must complete six hours of training within one year after the date of initial employment.

(c) Training requirements established under this section that must be completed prior to initial licensure must be satisfied only by a newly licensed child care provider or by a child care provider who has not held an active child care license in Minnesota in the previous 12 months. A child care provider who relocates within the state or who voluntarily cancels a license or allows the license to lapse for a period of less than 12 months and who seeks reinstatement of the lapsed or canceled license within 12 months of the lapse or cancellation must satisfy the annual, ongoing training requirements, and is not required to satisfy the training requirements that must be completed prior to initial licensure."

Page 88, line 27, after the comma, insert "supplemental nursing services agencies."

Page 88, line 29, before "or" insert "a supplemental nursing services agency."

Page 98, line 9, delete everything after the period and insert "The documentation may be collected and maintained using electronic systems or software or in paper form but"

Page 98, line 22, delete "mileage log" and insert "record" and before "miles" insert "trip"

Page 98, line 25, after "recipient" insert "or authorized party"

Page 98, line 26, before the semicolon, insert ", or the signature of the provider of medical services certifying that the recipient was delivered to the provider"

Page 98, delete line 27 and insert "(vi) the address, or the description if the address is not available, of both the origin and destination, and the mileage"

Page 98, delete line 35

Page 99, line 1, delete "(xii)" and insert "(xi)"

Page 99, line 3, delete "(xiii)" and insert "(xii)"

Page 109, after line 13, insert:

"Sec. 61. **REVISOR'S INSTRUCTION.**

In each statutory section listed in column A, the revisor of statutes shall delete the statutory reference in column B and insert the statutory reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>119B.08, subdivision 1</u>	<u>256.01, subdivision 2, paragraph (17)</u>	<u>256.01, subdivision 2, paragraph (q)</u>
<u>241.021, subdivision 2</u>	<u>256.01, subdivision 2, clause (2)</u>	<u>256.01, subdivision 2, paragraph (a), clause (2)</u>
<u>245.03, subdivision 2</u>	<u>256.01, subdivision 2, paragraph (1), clause (f)</u>	<u>256.01, subdivision 2, paragraph (a), clause (6)</u>
<u>245.482, subdivision 1</u>	<u>256.01, subdivision 2, paragraph (17)</u>	<u>256.01, subdivision 2, paragraph (q)</u>
<u>245.495</u>	<u>256.01, subdivision 2, clause (17)</u>	<u>256.01, subdivision 2, paragraph (q)</u>
<u>245.495</u>	<u>256.01, subdivision 2, clause (15)</u>	<u>256.01, subdivision 2, paragraph (o)</u>

<u>245.73, subdivision 4</u>	<u>256.01, subdivision 2, clause (17)</u>	<u>256.01, subdivision 2, paragraph (q)</u>
<u>252.275, subdivision 7</u>	<u>256.01, subdivision 2, clause (17)</u>	<u>256.01, subdivision 2, paragraph (q)</u>
<u>252.32, subdivision 3a</u>	<u>256.01, subdivision 2, paragraph (17)</u>	<u>256.01, subdivision 2, paragraph (q)</u>
<u>256.975, subdivision 9</u>	<u>256.01, subdivision 2, clause (23)</u>	<u>256.01, subdivision 2, paragraph (v)</u>
<u>256B.05, subdivision 1</u>	<u>256.01, subdivision 2, paragraph (17)</u>	<u>256.01, subdivision 2, paragraph (q)</u>
<u>256B.0625, subdivision 20</u>	<u>256.01, subdivision 2, clause (15)</u>	<u>256.01, subdivision 2, paragraph (o)</u>
<u>256B.20</u>	<u>256.01, subdivision 2, paragraph (17)</u>	<u>256.01, subdivision 2, paragraph (q)</u>
<u>256B.50, subdivision 1e</u>	<u>256.01, subdivision 2, clause (15)</u>	<u>256.01, subdivision 2, paragraph (o)</u>
<u>256D.04</u>	<u>256.01, subdivision 2, paragraph (16)</u>	<u>256.01, subdivision 2, paragraph (p)</u>
<u>256D.04</u>	<u>256.01, subdivision 2, paragraph (17)</u>	<u>256.01, subdivision 2, paragraph (q)</u>
<u>256E.12, subdivision 3</u>	<u>256.01, subdivision 2, paragraph (17)</u>	<u>256.01, subdivision 2, paragraph (q)</u>
<u>256F.10, subdivision 6</u>	<u>256.01, subdivision 2, clause (15)</u>	<u>256.01, subdivision 2, paragraph (o)</u>
<u>256F.10, subdivision 7</u>	<u>256.01, subdivision 2, paragraph (17)</u>	<u>256.01, subdivision 2, paragraph (q)</u>
<u>256J.626, subdivision 8</u>	<u>256.01, subdivision 2, clause (17)</u>	<u>256.01, subdivision 2, paragraph (q)</u>
<u>260.810, subdivision 2</u>	<u>256.01, subdivision 2, paragraph (17)</u>	<u>256.01, subdivision 2, paragraph (q)"</u>

Page 109, delete section 1 and insert:

"Section 1. Minnesota Statutes 2014, section 62J.495, subdivision 1, is amended to read:

Subdivision 1. **Implementation.** By January 1, 2015, all hospitals and health care providers, as defined in section 62J.03, subdivision 8, must have in place an interoperable electronic health records system within their hospital system or clinical practice setting. The commissioner of health, in consultation with the e-Health Advisory Committee, shall develop a statewide plan to meet this goal, including uniform standards to be used for the interoperable system for sharing and synchronizing patient data across systems. The standards must be compatible with federal efforts. The uniform standards must be developed by January 1, 2009, and updated on an ongoing basis. The commissioner shall include an update on standards development as part of an annual report to the legislature. Individual health care providers in private practice with no other providers and health care providers that do not accept reimbursement from a group purchaser, as defined in section 62J.03, subdivision 6, are excluded from the requirements of this section. The commissioner may not issue a penalty to a health care provider for failure to meet the requirements of this subdivision."

Page 111, after line 19, insert:

"Sec. 4. **ALTERNATIVE PAYMENT METHODOLOGY.**

The commissioner of human services shall develop a recommendation for a new alternative payment methodology for federally qualified health centers and rural health clinics that covers the cost of all medical assistance services provided by federally qualified health centers or rural health clinics, and is in accordance with current Medicare cost principles as applicable to federally qualified health centers and rural health clinics. The recommendation for a new alternative payment methodology must:

- (1) be made in consultation with the state's federally qualified health centers and rural health clinics;
- (2) include regular rebasing of costs; and
- (3) take into consideration aspects of the current Medicare payment methodology to federally qualified health centers and rural health clinics.

The commissioner shall present the recommendation for a new alternative payment methodology to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance by February 15, 2016."

Page 112, after line 20, insert:

"Sec. 3. Minnesota Statutes 2014, section 245C.10, subdivision 10, is amended to read:

Subd. 10. **Community first services and supports organizations.** The commissioner shall recover the cost of background studies initiated by an agency-provider delivering services under section 256B.85, subdivision 11, or a financial management services ~~contractor~~ provider providing service functions under section 256B.85, subdivision 13, through a fee of no more than \$20 per study, charged to the organization responsible for submitting the background study form. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies."

Page 113, line 25, strike "must be given"

Page 117, delete lines 11 to 13 and insert "(3). develop an initial action plan within five business days of being notified of the termination; request technical assistance from the state agency; and proceed to promptly work to resolve the issues that led to the termination or arrange for"

Page 155, line 15, delete "as identified in subdivision 18a, paragraph (c), clause (4)"

Page 161, line 16, delete "contractor" and insert "provider"

Page 161, line 17, delete "initiating criminal background checks" and insert "initiating and complying with background study requirements under chapter 245C and maintaining documentation of background study requests and results"

Page 171, line 6, delete the semicolon and delete "evaluate the support worker"

Page 181, line 16, strike "sections" and insert "section" and after "19a," insert "sections"

Page 181, line 17, before "256B.0659" insert "section" and after "or" insert "section"

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

Norton moved to amend the Mack amendment to H. F. No. 1535, the second engrossment, as follows:

Page 8, line 10, delete "The"

Page 8, delete lines 11 and 12

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

The question recurred on the Mack amendment to H. F. No. 1535, the second engrossment. The motion prevailed and the amendment was adopted.

H. F. No. 1535, A bill for an act relating to human services; providing for human services policy modifications relating to children and family services, chemical and mental health services, direct care and treatment, operations, health care, and continuing care; making changes to child care assistance programs, home and community-based services standards, medical assistance, the alternative care program, Northstar Care for Children, children's therapeutic services and supports, human services licensing provisions, and the community first services and supports program; modifying requirements for background studies; extending a council; modifying the Minnesota Indian Family Preservation Act; making changes to provisions governing child out-of-home placement; modifying reporting requirements for maltreatment of children and vulnerable adults; making technical changes; requiring reports; modifying requirements for administrative sanctions and hearings; authorizing rulemaking; providing criminal penalties; amending Minnesota Statutes 2014, sections 62J.495, subdivision 1; 119B.011, subdivision 16; 119B.025, subdivision 1; 119B.09, subdivision 9; 119B.125, subdivisions 1, 6, by adding subdivisions; 144.0724, subdivision 12; 148E.065, subdivision 4a; 168.012, subdivision 1; 245.462, subdivision 4; 245A.02, subdivision 13, by adding subdivisions; 245A.035, subdivisions 1, 5; 245A.04, subdivision 15a; 245A.07, subdivisions 2, 2a; 245A.11, subdivision 4; 245A.12; 245A.13; 245A.14, subdivision 14; 245A.148; 245A.16, subdivision 1; 245A.175; 245A.1915; 245A.192, subdivisions 3, 5, 10, 11, by adding subdivisions; 245A.40, subdivisions 3, 4, 5; 245A.50, subdivision 1; 245C.02, subdivision 2; 245C.04, subdivisions 4, 5, 6; 245C.05, subdivision 1; 245C.07; 245C.10, subdivision 10, by adding a subdivision; 245C.20, subdivision 2, by adding a subdivision; 245C.22, subdivision 7; 245D.10, subdivision 3, by adding a subdivision; 245E.01, subdivision 8, by adding a subdivision; 245E.02, subdivisions 1, 4, by adding a subdivision; 245E.06, subdivisions 2, 3; 253B.212, subdivision 2, by adding a subdivision; 254B.05, subdivision 5; 256.01, subdivisions 4, 14b; 256.045, subdivisions 3, 6; 256.975, subdivision 7; 256.98, subdivision 1; 256B.0625, subdivision 31, by adding a subdivision; 256B.0911, subdivisions 1a, 2b, 3, 3a; 256B.0913, subdivisions 4, 5, 5a, 6, 10, 11, 12, by adding a subdivision; 256B.0943, subdivisions 1, 2, 3, 4, 5, 6, 7, 9, 11; 256B.0946, subdivision 1; 256B.0947, subdivision 7a; 256B.85; 256N.02, subdivision 18; 256N.23, subdivision 6; 257.85, subdivision 3; 259A.01, subdivision 25; 259A.10, subdivision 6; 260.755, subdivisions 8, 14, by adding subdivisions; 260.761, subdivisions 1, 2; 260.771, subdivision 3, by adding subdivisions; 260B.007, subdivision 12; 260C.007, subdivision 27, by adding a subdivision; 260C.168; 260C.178, subdivision 1; 260C.201, subdivision 5; 260C.212, subdivisions 1, 2; 260C.511; 268.155, subdivision 1; 402A.12; 402A.16, subdivisions 2, 4; 402A.18; 471.346; 609.821; 626.556, subdivisions 10, 11d; 626.557, subdivisions 9a, 9b, 10; 626.5572, subdivisions 5, 6, 21; Laws 2013, chapter 108, article 7, section 58; proposing coding for new law in Minnesota Statutes, chapters 245; 245A; 256; 256B; 260; 609; repealing Minnesota Statutes 2014, sections 245D.061, subdivision 3; 245E.07, subdivision 3; 256B.0911, subdivision 6a; Minnesota Rules, parts 9505.0175, subpart 32; 9505.0365, subpart 2; 9505.1696, subpart 10; 9505.1709; 9535.2000; 9535.2100; 9535.2200; 9535.2300; 9535.2400; 9535.2500; 9535.2600; 9535.2700; 9535.2800; 9535.2900; 9535.3000; 9555.7400; 9555.7500.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Backer	Carlson	Davids	Erhardt	Freiberg
Allen	Baker	Christensen	Davnie	Erickson	Garofalo
Anderson, P.	Barrett	Clark	Dean, M.	Fabian	Green
Anderson, S.	Bennett	Considine	Dehn, R.	Fenton	Gruenhagen
Applebaum	Bernardy	Cornish	Dettmer	Fischer	Gunther
Atkins	Bly	Daniels	Drazkowski	Franson	Hackbarth

Halverson	Johnson, S.	Lucero	Nelson	Quam	Torkelson
Hamilton	Kahn	Lueck	Newberger	Rarick	Uglem
Hancock	Kelly	Mack	Newton	Rosenthal	Urdahl
Hansen	Kiel	Mahoney	Nornes	Runbeck	Vogel
Hausman	Knoblach	Mariani	Norton	Sanders	Ward
Heintzeman	Koznick	Marquart	O'Driscoll	Schoen	Whelan
Hertaus	Kresha	Masin	O'Neill	Schomacker	Wills
Hilstrom	Laine	McDonald	Pelowski	Schultz	Yarusso
Hoppe	Lenczewski	McNamara	Peppin	Scott	Youakim
Hornstein	Liebling	Metsa	Persell	Selcer	Zerwas
Hortman	Lien	Moran	Peterson	Smith	
Howe	Loeffler	Mullery	Pierson	Sundin	
Isaacson	Lohmer	Murphy, E.	Pinto	Swedzinski	
Johnson, B.	Loon	Murphy, M.	Poppe	Theis	
Johnson, C.	Loonan	Nash	Pugh	Thissen	

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

S. F. No. 1191, A bill for an act relating to family law; making changes to provisions related to best interests of the child standards, custody, parenting time, maintenance, child support, judgments, and awards; providing the Uniform Deployed Parents Custody and Visitation Act; making technical changes; amending Minnesota Statutes 2014, sections 257.025; 518.167, subdivision 2; 518.17, subdivisions 1, 3, by adding a subdivision; 518.175, subdivisions 1, 6; 518.552, subdivision 5; 518A.28; 518A.38, by adding a subdivision; 518A.39, subdivision 2; 549.09, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 518E; repealing Minnesota Statutes 2014, section 518.17, subdivisions 1a, 2.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dehn, R.	Hertaus	Lohmer	Nornes	Selcer
Allen	Dettmer	Hilstrom	Loon	Norton	Smith
Anderson, P.	Drazkowski	Hoppe	Loonan	O'Driscoll	Sundin
Anderson, S.	Erhardt	Hornstein	Lucero	O'Neill	Swedzinski
Applebaum	Erickson	Hortman	Lueck	Pelowski	Theis
Atkins	Fabian	Howe	Mack	Peppin	Thissen
Backer	Fenton	Isaacson	Mahoney	Persell	Torkelson
Baker	Fischer	Johnson, B.	Mariani	Peterson	Uglem
Barrett	Franson	Johnson, C.	Marquart	Pierson	Urdahl
Bennett	Freiberg	Johnson, S.	Masin	Pinto	Vogel
Bernardy	Garofalo	Kahn	McDonald	Poppe	Ward
Bly	Green	Kelly	McNamara	Pugh	Whelan
Carlson	Gruenhagen	Kiel	Metsa	Quam	Wills
Christensen	Gunther	Knoblach	Moran	Rarick	Yarusso
Clark	Hackbarth	Koznick	Mullery	Rosenthal	Youakim
Considine	Halverson	Kresha	Murphy, E.	Runbeck	Zerwas
Cornish	Hamilton	Laine	Murphy, M.	Sanders	
Daniels	Hancock	Lenczewski	Nash	Schoen	
Davids	Hansen	Liebling	Nelson	Schomacker	
Davnie	Hausman	Lien	Newberger	Schultz	
Dean, M.	Heintzeman	Loeffler	Newton	Scott	

The bill was passed and its title agreed to.

**REPORT FROM THE COMMITTEE ON RULES  
AND LEGISLATIVE ADMINISTRATION**

Peppin 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 Tuesday, May 12, 2015 and established a prefiling requirement for amendments offered to the following bills:

S. F. Nos. 1679, 1478 and 857; and H. F. No. 1947.

**MOTIONS AND RESOLUTIONS**

Kahn moved that the name of Lohmer be added as an author on H. F. No. 2166. The motion prevailed.

**ADJOURNMENT**

Peppin moved that when the House adjourns today it adjourn until 3:30 p.m., Monday, May 11, 2015. The motion prevailed.

Peppin moved that the House adjourn. The motion prevailed, and Speaker pro tempore O'Driscoll declared the House stands adjourned until 3:30 p.m., Monday, May 11, 2015.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

