

1.1 ..... moves to amend H.F. No. 2576, the third engrossment, as follows:

1.2 Page 1, after line 9, insert:

1.3 "Section 1. Minnesota Statutes 2012, section 245C.22, subdivision 7, is amended to  
1.4 read:

1.5 Subd. 7. **Classification of certain data.** (a) Notwithstanding section 13.46, except  
1.6 as provided in paragraph (f), upon setting aside a disqualification under this section, the  
1.7 identity of the disqualified individual who received the set-aside and the individual's  
1.8 disqualifying characteristics are public data if the set-aside was:

1.9 (1) for any disqualifying characteristic under section 245C.15, when the set-aside  
1.10 relates to a child care center or a family child care provider licensed under chapter 245A; or

1.11 (2) for a disqualifying characteristic under section 245C.15, subdivision 2.

1.12 (b) Notwithstanding section 13.46, upon granting a variance to a license holder  
1.13 under section 245C.30, the identity of the disqualified individual who is the subject of  
1.14 the variance, the individual's disqualifying characteristics under section 245C.15, and the  
1.15 terms of the variance are public data, when the variance:

1.16 (1) is issued to a child care center or a family child care provider licensed under  
1.17 chapter 245A; or

1.18 (2) relates to an individual with a disqualifying characteristic under section 245C.15,  
1.19 subdivision 2.

1.20 (c) The identity of a disqualified individual and the reason for disqualification  
1.21 remain private data when:

1.22 (1) a disqualification is not set aside and no variance is granted, except as provided  
1.23 under section 13.46, subdivision 4;

1.24 (2) the data are not public under paragraph (a) or (b);

1.25 (3) the disqualification is rescinded because the information relied upon to disqualify  
1.26 the individual is incorrect;

2.1 (4) the disqualification relates to a license to provide relative child foster care.

2.2 As used in this clause, "relative" has the meaning given it under section 260C.007,  
2.3 subdivision 27; or

2.4 (5) the disqualified individual is a household member of a licensed foster care  
2.5 provider and:

2.6 (i) the disqualified individual previously received foster care services from this  
2.7 licensed foster care provider;

2.8 (ii) the disqualified individual was subsequently adopted by this licensed foster  
2.9 care provider; and

2.10 (iii) the disqualifying act occurred before the adoption.

2.11 (d) Licensed family child care providers and child care centers must provide notices  
2.12 as required under section 245C.301.

2.13 (e) Notwithstanding paragraphs (a) and (b), the identity of household members who  
2.14 are the subject of a disqualification related set-aside or variance is not public data if:

2.15 (1) the household member resides in the residence where the family child care is  
2.16 provided;

2.17 (2) the subject of the set-aside or variance is under the age of 18 years; and

2.18 (3) the set-aside or variance only relates to a disqualification under section 245C.15,  
2.19 subdivision 4, for a misdemeanor-level theft crime as defined in section 609.52.

2.20 (f) When the commissioner has reason to know that a disqualified individual has  
2.21 received an order for expungement of the disqualifying criminal record according to  
2.22 chapter 260B or 609A that does not limit the commissioner's access to the record, the data  
2.23 that would otherwise become public under paragraphs (a) and (b) remains private data.

2.24 Sec. 2. Minnesota Statutes 2012, section 245C.23, subdivision 1, is amended to read:

2.25 Subdivision 1. **Disqualification that is rescinded or set aside.** (a) If the  
2.26 commissioner rescinds or sets aside a disqualification, the commissioner shall notify the  
2.27 applicant, license holder, or other entity in writing or by electronic transmission of the  
2.28 decision.

2.29 (b) In the notice from the commissioner that a disqualification has been rescinded,  
2.30 the commissioner must inform the applicant, license holder, or other entity that the  
2.31 information relied upon to disqualify the individual was incorrect.

2.32 (c) Except as provided in paragraph (d), in the notice from the commissioner  
2.33 that a disqualification has been set aside, the commissioner must inform the applicant,  
2.34 license holder, or other entity of the reason for the individual's disqualification and that  
2.35 information about which factors under section 245C.22, subdivision 4, were the basis

3.1 of the decision to set aside the disqualification are available to the license holder upon  
 3.2 request without the consent of the background study subject.

3.3 (d) When the commissioner has reason to know that a disqualified individual has  
 3.4 received an order for expungement of the disqualifying criminal record according to chapter  
 3.5 260B or 609A that does not limit the commissioner's access to the record, the notice from  
 3.6 the commissioner that a disqualification has been set aside must not inform the applicant,  
 3.7 license holder, or other entity of the information under paragraph (c), and must state that  
 3.8 the records related to the individual's disqualification have been sealed under a court order."

3.9 Page 2, line 10, after the period insert "A record expunged under this subdivision  
 3.10 on or after the effective date of this act is considered sealed and access only allowed  
 3.11 pursuant to paragraph (d)."

3.12 Page 8, line 29, delete everything after "be" and insert "opened or exchanged  
 3.13 between criminal justice agencies without a court order for the purposes of initiating,  
 3.14 furthering, or completing a criminal investigation or prosecution or for sentencing  
 3.15 purposes or providing probation or other correctional services;"

3.16 Page 8, delete line 30

3.17 Page 9, line 4, after "unless" insert "the commissioner had been properly served with  
 3.18 notice of the petition for expungement and"

3.19 Page 9, line 10, delete "or civil"

3.20 Page 9, line 19, delete everything after "authority"

3.21 Page 9, line 20, delete everything before the period

3.22 Page 10, delete line 4

3.23 Renumber the sections in sequence and correct the internal references

3.24 Amend the title accordingly