

1.1 moves to amend H.F. No. 2009, the delete everything amendment
1.2 (H2009DE2), as follows:

1.3 Page 41, after line 15, insert:

1.4 "Sec. ... Minnesota Statutes 2010, section 171.07, subdivision 1a, is amended to read:

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

- 1.13 (1) to the issuance and control of drivers' licenses;
- 1.14 (2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the
1.15 investigation and prosecution of crimes, service of process, enforcement of no contact
1.16 orders, location of missing persons, investigation and preparation of cases for criminal,
1.17 juvenile, and traffic court, and supervision of offenders;
- 1.18 (3) to public defenders, as defined in section 611.272, for the investigation and
1.19 preparation of cases for criminal, juvenile, and traffic courts; ~~and~~
- 1.20 (4) to child support enforcement purposes under section 256.978; and
- 1.21 (5) to publicly funded assistance program eligibility under chapters 119B, 256B,
1.22 256D, 256J, 256I, 256L or the supplemental nutrition assistance program, and fraud
1.23 investigative purposes under sections 256.98, 256.983, 256B.064, and 256J.32."

1.24 Page 44, after line 12, insert:

1.25 "Sec. ... Minnesota Statutes 2010, section 256.01, is amended by adding a subdivision
1.26 to read:

2.1 Subd. 18c. **Verification of legal presence.** The commissioner of public safety
 2.2 shall, upon request of the commissioner, provide the dates of a person's established legal
 2.3 presence as provided to the commissioner of public safety, to the commissioner of human
 2.4 services. The commissioner of human services must determine whether the data newly
 2.5 indicates that the established legal presence has expired for any individuals who receive
 2.6 publicly funded assistance under chapters 119B, 256B, 256D, 256J, 256I, 256L, or the
 2.7 supplemental nutrition assistance program. The commissioner shall terminate publicly
 2.8 funded assistance to persons whose established legal presence has expired and who are not
 2.9 otherwise eligible to receive publicly funded assistance under chapters 119B, 256B, 256D,
 2.10 256J, 256I, 256L, or the supplemental nutrition assistance program. The commissioner
 2.11 shall notify the county attorney when it confirms that a person whose established legal
 2.12 presence has expired was receiving publicly funded assistance under chapters 119B, 256B,
 2.13 256D, 256I, 256J, 256L, or the supplemental nutrition program.

2.14 Sec. ... Minnesota Statutes 2010, section 256.01, is amended by adding a subdivision
 2.15 to read:

2.16 Subd. 18d. **Drug convictions.** (a) The state court administrator shall report
 2.17 regularly by electronic means to the commissioner of human services the name, address,
 2.18 date of birth, and, if available, driver's license or state identification card number, date of
 2.19 sentence, effective date of the sentence, and county in which the conviction occurred of
 2.20 each person who has been convicted of a felony under chapter 152.

2.21 (b) The commissioner shall determine at the time of initial application,
 2.22 recertification, and at any other time the commissioner is made aware of any felony drug
 2.23 conviction if any of the persons in the report is applying for or receiving publicly funded
 2.24 assistance in violation of section 256J.26, or any other law or rule."

2.25 Page 47, after line 27, insert:

2.26 "Sec. ... Minnesota Statutes 2010, section 256J.26, subdivision 1, is amended to read:

2.27 Subdivision 1. **Person convicted of drug offenses.** (a) Applicants or participants
 2.28 who have been convicted of a drug offense committed after July 1, 1997, ~~may, if~~
 2.29 ~~otherwise eligible, receive~~ are disqualified from receiving MFIP cash benefits subject to
 2.30 the following conditions:

2.31 ~~(1)~~ Benefits for the entire assistance unit must be paid in vendor form for shelter and
 2.32 utilities during any time the applicant is part of the assistance unit.

2.33 ~~(2) The convicted applicant or participant shall be subject to random drug testing as~~
 2.34 ~~a condition of continued eligibility and following any positive test for an illegal controlled~~
 2.35 ~~substance is subject to the following sanctions:~~

3.1 ~~(i) for failing a drug test the first time, the residual amount of the participant's grant~~
3.2 ~~after making vendor payments for shelter and utility costs, if any, must be reduced by an~~
3.3 ~~amount equal to 30 percent of the MFIP standard of need for an assistance unit of the same~~
3.4 ~~size. When a sanction under this subdivision is in effect, the job counselor must attempt~~
3.5 ~~to meet with the person face-to-face. During the face-to-face meeting, the job counselor~~
3.6 ~~must explain the consequences of a subsequent drug test failure and inform the participant~~
3.7 ~~of the right to appeal the sanction under section 256J.40. If a face-to-face meeting is~~
3.8 ~~not possible, the county agency must send the participant a notice of adverse action as~~
3.9 ~~provided in section 256J.31, subdivisions 4 and 5, and must include the information~~
3.10 ~~required in the face-to-face meeting; or~~

3.11 ~~(ii) for failing a drug test two times, the participant is permanently disqualified from~~
3.12 ~~receiving MFIP assistance, both the cash and food portions. The assistance unit's MFIP~~
3.13 ~~grant must be reduced by the amount which would have otherwise been made available to~~
3.14 ~~the disqualified participant. Disqualification under this item does not make a participant~~
3.15 ~~ineligible for food stamps or food support. Before a disqualification under this provision is~~
3.16 ~~imposed, the job counselor must attempt to meet with the participant face-to-face. During~~
3.17 ~~the face-to-face meeting, the job counselor must identify other resources that may be~~
3.18 ~~available to the participant to meet the needs of the family and inform the participant of~~
3.19 ~~the right to appeal the disqualification under section 256J.40. If a face-to-face meeting is~~
3.20 ~~not possible, the county agency must send the participant a notice of adverse action as~~
3.21 ~~provided in section 256J.31, subdivisions 4 and 5, and must include the information~~
3.22 ~~required in the face-to-face meeting.~~

3.23 ~~(3) A participant who fails a drug test the first time and is under a sanction due to~~
3.24 ~~other MFIP program requirements is considered to have more than one occurrence of~~
3.25 ~~noncompliance and is subject to the applicable level of sanction as specified under section~~
3.26 ~~256J.46, subdivision 1, paragraph (d).~~

3.27 (b) Applicants requesting only food stamps or food support or participants receiving
3.28 only food stamps or food support, who have been convicted of a drug offense that
3.29 occurred after July 1, 1997, may, if otherwise eligible, receive food stamps or food support
3.30 if the convicted applicant or participant is subject to random drug testing as a condition
3.31 of continued eligibility. Following a positive test for an illegal controlled substance, the
3.32 applicant is subject to the following sanctions:

3.33 (1) for failing a drug test the first time, food stamps or food support shall be reduced
3.34 by an amount equal to 30 percent of the applicable food stamp or food support allotment.
3.35 When a sanction under this clause is in effect, a job counselor must attempt to meet with
3.36 the person face-to-face. During the face-to-face meeting, a job counselor must explain

4.1 the consequences of a subsequent drug test failure and inform the participant of the right
4.2 to appeal the sanction under section 256J.40. If a face-to-face meeting is not possible,
4.3 a county agency must send the participant a notice of adverse action as provided in
4.4 section 256J.31, subdivisions 4 and 5, and must include the information required in the
4.5 face-to-face meeting; and

4.6 (2) for failing a drug test two times, the participant is permanently disqualified from
4.7 receiving food stamps or food support. Before a disqualification under this provision is
4.8 imposed, a job counselor must attempt to meet with the participant face-to-face. During
4.9 the face-to-face meeting, the job counselor must identify other resources that may be
4.10 available to the participant to meet the needs of the family and inform the participant of
4.11 the right to appeal the disqualification under section 256J.40. If a face-to-face meeting
4.12 is not possible, a county agency must send the participant a notice of adverse action as
4.13 provided in section 256J.31, subdivisions 4 and 5, and must include the information
4.14 required in the face-to-face meeting.

4.15 (c) For the purposes of this subdivision, "drug offense" means an offense that
4.16 occurred after July 1, 1997, of sections 152.021 to 152.025, 152.0261, 152.0262, ~~or~~
4.17 152.096, or 252.137. Drug offense also means a conviction in another jurisdiction of the
4.18 possession, use, or distribution of a controlled substance, or conspiracy to commit any of
4.19 these offenses, if the offense occurred after July 1, 1997, and the conviction is a felony
4.20 offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor.

4.21 **EFFECTIVE DATE.** This section is effective July 1, 2012, for all new MFIP
4.22 applicants who apply on or after that date and for all eligibility recertifications that occur
4.23 on or after that date.

4.24 Sec. ... Minnesota Statutes 2010, section 256J.32, subdivision 4, is amended to read:

4.25 Subd. 4. **Factors to be verified.** The county agency shall verify the following
4.26 at application:

4.27 (1) identity of adults;

4.28 (2) presence of the minor child in the home, if questionable;

4.29 (3) relationship of a minor child to caregivers in the assistance unit;

4.30 (4) age, if necessary to determine MFIP eligibility;

4.31 (5) immigration status;

4.32 (6) Social Security number according to the requirements of section 256J.30,
4.33 subdivision 12;

4.34 (7) income;

4.35 (8) self-employment expenses used as a deduction;

- 5.1 (9) source and purpose of deposits and withdrawals from business accounts;
- 5.2 (10) spousal support and child support payments made to persons outside the
- 5.3 household;
- 5.4 (11) real property;
- 5.5 (12) vehicles;
- 5.6 (13) checking and savings accounts;
- 5.7 (14) savings certificates, savings bonds, stocks, and individual retirement accounts;
- 5.8 (15) pregnancy, if related to eligibility;
- 5.9 (16) inconsistent information, if related to eligibility;
- 5.10 (17) burial accounts;
- 5.11 (18) school attendance, if related to eligibility;
- 5.12 (19) residence;
- 5.13 (20) a claim of family violence if used as a basis to qualify for the family violence
- 5.14 waiver;
- 5.15 (21) disability if used as the basis for reducing the hourly participation requirements
- 5.16 under section 256J.55, subdivision 1, or the type of activity included in an employment
- 5.17 plan under section 256J.521, subdivision 2; ~~and~~
- 5.18 (22) information needed to establish an exception under section 256J.24, subdivision
- 5.19 9; and
- 5.20 (23) the validity and status of Minnesota drivers' licenses or identification cards,
- 5.21 if provided as documentation of identity.

5.22 Sec. ... **AGREEMENT FOR DATA SHARING BETWEEN THE DEPARTMENT**

5.23 **OF PUBLIC SAFETY AND THE DEPARTMENT OF HUMAN SERVICES OF**

5.24 **FACIAL RECOGNITION VERIFICATION PROJECT DIGITAL IMAGES.**

5.25 The commissioner of public safety shall enter into an agreement with the

5.26 commissioner of human services to provide digital images of suspected fraudulent

5.27 driver's license or identification card applicants and the status of the applicant's driver's

5.28 license or identification after review by the commissioner of public safety from the

5.29 Facial Recognition Verification Project of the Division of Driver and Vehicle Services

5.30 for purposes of investigating fraud under Minnesota Statutes, sections 256.98, 256.983,

5.31 and 256B.064. The commissioner of public safety shall provide the data for use only by

5.32 those employees with investigative responsibility under sections 256.98, 256.983, and

5.33 256B.064. The agreement must be certified annually and the use of data is subject to audit

5.34 by the commissioner of public safety. An audit that results in confirmed misuse of data

5.35 that is provided by the commissioner of public safety under this section by an employee

6.1 or agent of the Department of Human Services is cause for the commissioner of public
6.2 safety to terminate the agreement.

6.3 Sec. ... **AGREEMENT FOR DATA SHARING BETWEEN THE DEPARTMENT**
6.4 **OF PUBLIC SAFETY AND THE DEPARTMENT OF HUMAN SERVICES FOR**
6.5 **DRIVER'S LICENSE AND IDENTIFICATION CARD DATA.**

6.6 The commissioner of public safety shall enter into an agreement with the
6.7 commissioner of human services to provide driver's license and identification card data
6.8 under Minnesota Statutes, section 171.06, for purposes of investigating fraud under
6.9 Minnesota Statutes, sections 256.98, 256.983, and 256B.064. The commissioner of
6.10 public safety shall provide data to the commissioner of human services for use only by
6.11 those employees with investigative responsibility under sections 256.98, 256.983, and
6.12 256B.064. The agreement must be certified annually and the use of data is subject to audit
6.13 by the commissioner of public safety. An audit that results in confirmed misuse of data
6.14 that is provided by the commissioner of public safety under this section by an employee
6.15 or agent of the Department of Human Services is cause for the commissioner of public
6.16 safety to terminate the agreement.

6.17 Sec. ... **DIRECTION TO THE COMMISSIONER.**

6.18 The commissioner of human services, in consultation with the commissioner of
6.19 public safety, shall report to the legislative committees with jurisdiction over health and
6.20 human services policy and finance regarding the implementation of sections 1 to 7 and the
6.21 number of persons affected by February 1, 2013."

6.22 Renumber the sections in sequence and correct the internal references

6.23 Amend the title accordingly