

1.1 moves to amend H.F. No. 1239 as follows:

1.2 Page 47, delete section 8, and insert:

1.3 "Sec. 8. Minnesota Statutes 2012, section 245C.24, subdivision 2, is amended to read:

1.4 Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in
 1.5 paragraph (b), the commissioner may not set aside the disqualification of any individual
 1.6 disqualified pursuant to this chapter, regardless of how much time has passed, if the
 1.7 individual was disqualified for a ~~crime or conduct listed in section 245C.15, subdivision~~
 1.8 † conviction under section 609.185 (murder in the first degree); 609.19 (murder in the
 1.9 second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first
 1.10 degree); 609.205 (manslaughter in the second degree); 609.322, subdivisions 1 and
 1.11 1a (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.324,
 1.12 subdivision 1 (engaging in, hiring, or agreeing to hire a minor to engage in prostitution);
 1.13 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct
 1.14 in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345
 1.15 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the
 1.16 fifth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of
 1.17 children to engage in sexual conduct; 609.365 (incest); 617.246 (use of minors in sexual
 1.18 performance); or 617.247 (possession of pornographic work involving minors).

1.19 (b) For an individual in the chemical dependency or corrections field who was
 1.20 disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and whose
 1.21 disqualification was set aside prior to July 1, 2005, the commissioner must consider
 1.22 granting a variance pursuant to section 245C.30 for the license holder for a program
 1.23 dealing primarily with adults. A request for reconsideration evaluated under this paragraph
 1.24 must include a letter of recommendation from the license holder that was subject to the
 1.25 prior set-aside decision addressing the individual's quality of care to children or vulnerable
 1.26 adults and the circumstances of the individual's departure from that service.

2.1 (c) When a licensed foster care provider adopts an individual who had received
2.2 foster care services from the provider for over six months, and the adopted individual is
2.3 required to receive a background study under section 245C.03, subdivision 1, paragraph
2.4 (a), clause (2) or (6), the commissioner may grant a variance to the license holder under
2.5 section 245C.30 to permit the adopted individual with a permanent disqualification
2.6 to remain affiliated with the license holder under the conditions of the variance when
2.7 the variance is recommended by the county of responsibility for each of the remaining
2.8 individuals in placement in the home and the licensing agency for the home."