

FORTY-EIGHTH DAY

St. Paul, Minnesota, Wednesday, May 4, 2011

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Senator Limmer imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rabbi David Greene.

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

The roll was called, and the following Senators answered to their names:

Bakk	Gazelka	Langseth	Nienow	Senjem
Benson	Gerlach	Lillie	Olson	Sheran
Berglin	Hall	Limmer	Ortman	Sieben
Bonoff	Harrington	Lourey	Pappas	Skoe
Brown	Higgins	Magnus	Parry	Sparks
Carlson	Hoffman	Marty	Pederson	Stumpf
Cohen	Howe	McGuire	Pogemiller	Thompson
Dahms	Ingebrigtsen	Metzen	Reinert	Tomassoni
Daley	Kelash	Michel	Rest	Torres Ray
DeKruif	Koch	Miller	Robling	Vandever
Dibble	Kruse	Nelson	Rosen	Wiger
Fischbach	Kubly	Newman	Saxhaug	Wolf

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

REPORTS OF COMMITTEES

Senator Koch moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Hann from the Committee on Health and Human Services, to which was referred

S.F. No. 1173: A bill for an act relating to human services; providing for child safety and permanency reform, including adoptions of children under guardianship of the commissioner; providing for criminal penalties; amending Minnesota Statutes 2010, sections 257.01; 259.22,

subdivision 2; 259.23, subdivision 1; 259.24, subdivisions 1, 3, 5, 6a, 7, by adding a subdivision; 259.69; 259.73; 260.012; 260C.001; 260C.007, subdivision 4, by adding subdivisions; 260C.101, subdivision 2; 260C.150, subdivision 1; 260C.151, by adding a subdivision; 260C.152, subdivision 5; 260C.157, subdivision 1; 260C.163, subdivisions 1, 4, 8, by adding a subdivision; 260C.171, subdivisions 2, 3, by adding a subdivision; 260C.178, subdivisions 1, 7; 260C.193, subdivisions 3, 6; 260C.201, subdivisions 2, 10; 260C.212, subdivisions 5, 7; 260C.215, subdivisions 4, 6; 260C.301, subdivisions 1, 8; 260C.317, subdivisions 3, 4; 260C.325; 260C.328; 260C.451; 260D.08; 626.556, subdivisions 2, 10, 10e, 10f, 10i, 10k; proposing coding for new law in Minnesota Statutes, chapters 260C; 611; proposing coding for new law as Minnesota Statutes, chapter 259A; repealing Minnesota Statutes 2010, sections 256.022; 259.67; 259.71; 260C.201, subdivision 11; 260C.215, subdivision 2; 260C.456; Minnesota Rules, parts 9560.0071; 9560.0082; 9560.0083; 9560.0091; 9560.0093, subparts 1, 3, 4; 9560.0101; 9560.0102.

Reports the same back with the recommendation that the bill be amended as follows:

Page 9, line 15, delete "adoption assistance program" and insert "commissioner"

Page 9, line 17, after "parent" insert "or step parent"

Page 9, line 19, delete "resides" and insert "resided" and delete the semicolon and insert "unless:"

Page 9, after line 19, insert:

"(i) the child was in the custody of a Minnesota county or tribal agency pursuant to an order under chapter 260C or equivalent provisions of tribal code and the agency had placement and care responsibility for permanency planning for the child; and

(ii) the child is under guardianship of the commissioner of human services according to the requirements of section 260C.325, subdivision 1, paragraphs (a) and (b), or subdivision 3, paragraphs (a) and (b), or is a ward of a Minnesota tribal court after termination of parental rights, suspension of parental rights, or a finding by the tribal court that the child cannot safely return to the care of the parent;"

Page 19, delete section 13

Page 27, line 28, delete "260C.635" and insert "260C.521"

Page 27, line 33, delete "260C.607" and insert "260C.317"

Page 29, line 18, delete "adoption of a child" and insert "children" and delete "comes" and insert "come"

Page 29, line 24, after "placement" insert "according to the requirements of section 260C.212, subdivision 2"

Page 30, line 27, before the period, insert ", including siblings as defined by the child's tribal code or custom"

Page 31, line 14, delete "260C.607" and insert "260C.317"

Page 31, line 23, after the stricken "and" insert ". The requirements of the Minnesota Parentage Act, section 257.51 to 257.74, must be followed unless otherwise specified in this section."

Page 31, delete lines 24 to 35 and insert:

"(b) An action to establish a parent and child relationship under this chapter must be commenced by motion, which shall be personally served upon the alleged parent and served upon all required parties under the Minnesota Parentage Act as provided for service of motions in the Minnesota Rules of Juvenile Protection Procedure. The motion shall be brought in an existing juvenile protection proceeding and may be brought by any party, a putative father, or the county attorney representing the responsible social services agency.

(c) Notwithstanding any other provisions of law, a motion to establish parentage under this section, and any related documents or orders, are not confidential and are accessible to the public according to the provisions of the Minnesota Rules of Juvenile Protection Procedure. Any hearings related to establishment of paternity under this section are accessible to the public according to the Minnesota Rules of Juvenile Protection Procedure.

(d) The court may order genetic testing of any putative father or any man presumed to be father of a child who is the subject of a juvenile protection matter unless paternity of the child has already been adjudicated under the Minnesota Parentage Act or if a recognition of parentage has been fully executed and filed under section 257.75 when the recognition of parentage has the force and effect of a judgment or order determining the existence of the parent and child relationship under section 257.66. If genetic testing is ordered, a positive genetic test under section 257.62, subdivision 5, is required to establish paternity for a child under this chapter.

(e) A copy of the order establishing the parent and child relationship shall be filed in family court. Any further proceedings for modification of the child support portion of the order that establishes the parent and child relationship shall be brought in the family court of the county where the original order was filed. The review shall be under chapters 518 and 518A. Notice of any family court proceedings shall be provided by the court administrator to the responsible social services agency, which shall be a party to the family court proceeding."

Page 32, delete lines 1 to 5

Page 32, delete sections 9 and 10

Page 33, line 2, delete "sections 260C.600 to 260C.635 and"

Page 33, after line 7, insert:

"Sec. 10. Minnesota Statutes 2010, section 260C.157, subdivision 3, is amended to read:

Subd. 3. **Juvenile treatment screening team.** (a) The responsible social services agency shall establish a juvenile treatment screening team to conduct screenings and prepare case plans under ~~this subdivision~~ section 245.487, subdivision 3, and chapters 260C and 260D. Screenings shall be conducted within 15 days of a request for a screening. The team, which may be the team constituted under section 245.4885 or 256B.092 or Minnesota Rules, parts 9530.6600 to 9530.6655, shall consist of social workers, juvenile justice professionals, and persons with expertise in the treatment of juveniles who are emotionally disabled, chemically dependent, or have a developmental disability. ~~The team shall involve parents or guardians in the screening process as appropriate, and the child's parent, guardian, or permanent legal custodian under section 260C.201, subdivision 11.~~ The team may be the same team as defined in section 260B.157, subdivision 3.

(b) The social services agency shall determine whether a child brought to its attention for the purposes described in this section is an Indian child, as defined in section 260C.007, subdivision 21, and shall determine the identity of the Indian child's tribe, as defined in section 260.755, subdivision 9. When a child to be evaluated is an Indian child, the team provided in paragraph (a) shall include a designated representative of the Indian child's tribe, unless the child's tribal authority declines to appoint a representative. The Indian child's tribe may delegate its authority to represent the child to any other federally recognized Indian tribe, as defined in section 260.755, subdivision 12.

(c) If the court, prior to, or as part of, a final disposition, proposes to place a child:

(1) for the primary purpose of treatment for an emotional disturbance, a developmental disability, or chemical dependency in a residential treatment facility out of state or in one which is within the state and licensed by the commissioner of human services under chapter 245A; or

(2) in any out-of-home setting potentially exceeding 30 days in duration, including a postdispositional placement in a facility licensed by the commissioner of corrections or human services, the court shall ascertain whether the child is an Indian child and shall notify the county welfare agency and, if the child is an Indian child, shall notify the Indian child's tribe. The county's juvenile treatment screening team must either: (i) screen and evaluate the child and file its recommendations with the court within 14 days of receipt of the notice; or (ii) elect not to screen a given case and notify the court of that decision within three working days.

~~(d) If the screening team has elected to screen and evaluate the child,~~ The child may not be placed for the primary purpose of treatment for an emotional disturbance, a developmental disability, or chemical dependency, in a residential treatment facility out of state nor in a residential treatment facility within the state that is licensed under chapter 245A, unless one of the following conditions applies:

(1) a treatment professional certifies that an emergency requires the placement of the child in a facility within the state;

(2) the screening team has evaluated the child and recommended that a residential placement is necessary to meet the child's treatment needs and the safety needs of the community, that it is a cost-effective means of meeting the treatment needs, and that it will be of therapeutic value to the child; or

(3) the court, having reviewed a screening team recommendation against placement, determines to the contrary that a residential placement is necessary. The court shall state the reasons for its determination in writing, on the record, and shall respond specifically to the findings and recommendation of the screening team in explaining why the recommendation was rejected. The attorney representing the child and the prosecuting attorney shall be afforded an opportunity to be heard on the matter.

(e) When the county's juvenile treatment screening team has elected to screen and evaluate a child determined to be an Indian child, the team shall provide notice to the tribe or tribes that accept jurisdiction for the Indian child or that recognize the child as a member of the tribe or as a person eligible for membership in the tribe, and permit the tribe's representative to participate in the screening team.

(f) When the Indian child's tribe or tribal health care services provider or Indian Health Services

provider proposes to place a child for the primary purpose of treatment for an emotional disturbance, a developmental disability, or co-occurring emotional disturbance and chemical dependency, the Indian child's tribe or the tribe delegated by the child's tribe shall submit necessary documentation to the county juvenile treatment screening team, which must invite the Indian child's tribe to designate a representative to the screening team.

EFFECTIVE DATE. This section is effective August 1, 2011.

Page 34, delete sections 13 and 16

Page 35, delete sections 17 and 18

Page 40, line 4, delete "section 260C.631" and insert "chapter 259"

Page 40, after line 18, insert:

"(d) If the agency's efforts under section 260C.221 are found to be sufficient, the court shall order the agency to continue to appropriately engage relatives who responded to the notice under section 260C.221 in placement and case planning decisions and to appropriately engage relatives who subsequently come to the agency's attention."

Page 40, line 19, delete "(d)" and insert "(e)"

Page 40, line 25, delete "(e)" and insert "(f)"

Page 40, line 27, delete "(f)" and insert "(g)"

Page 40, line 28, strike "a sibling" and insert "siblings" and strike "are" and insert "were" and delete "at the time"

Page 40, line 29, delete the new language

Page 40, line 33, strike "may" and insert "must"

Page 40, line 34, strike "review" and insert "order" and strike "agency's" and insert "agency to implement the"

Page 41, line 1, delete "(g)" and insert "(h)"

Page 42, line 26, after "search" insert "and has appropriately engaged relatives who responded to the notice under section 260C.221 and other relatives, who came to the attention of the agency after notice under section 260C.221 was sent, in placement and case planning decisions"

Page 42, line 28, after "of" insert "an unlicensed relative according to the requirements of section 245A.035," and after "relative" insert a comma

Page 44, line 4, after the period, insert "The court must order the agency to continue to appropriately engage relatives who responded to the notice under section 260C.221 in placement and case planning decisions and to engage other relatives who came to the agency's attention after notice under section 260C.221 was sent."

Page 44, line 19, after "delay" insert "and whenever the child must move from or be returned to foster care"

Page 44, line 20, strike "reasonable and"

Page 44, line 21, after the period, insert "After a finding that the agency has made reasonable efforts to conduct the relative search under this paragraph, the agency has the continuing responsibility to appropriately involve relatives, who have responded to the notice required under this paragraph, in planning for the child and to continue to consider relatives according to the requirements of section 260C.212, subdivision 2. At any time during the course of juvenile protection proceedings, the court may order the agency to reopen its search for relatives when it is in the child's best interest to do so."

Page 44, line 22, strike the first "of the child"

Page 44, line 23, after the period, insert "The search shall also include getting information from the child in an age appropriate manner about who the child considers to be family members and important friends with whom the child has resided or had significant contact. The relative search required under this section must fulfill the agency's duties under the Indian Child Welfare Act regarding active efforts to prevent the breakup of the Indian family under United States Code, title 25, section 1912(d) and to meet placement preferences under United States Code, title 25, section 1915."

Page 44, line 31, before "permanent" insert "potential"

Page 44, line 32, reinstate "shall not" and delete "may"

Page 45, line 2, after "notice" insert ". "Participate in the care and planning" includes, but is not limited to, participation in case planning for the parent and child, identifying the strengths and needs of the parent and child, supervising visits, providing respite and vacation visits for the child, providing transportation to appointments, suggesting other relatives who might be able to help support the case plan, and to the extent possible, helping to maintain the child's familiar and regular activities and contact with friends and relatives"

Page 45, line 3, strike "and"

Page 45, line 7, strike the period and insert "; and"

Page 45, after line 7, insert:

"(5) of the relatives' right to ask to be notified of any court proceedings regarding the child, to attend the hearings, and of a relative's right or opportunity to be heard by the court as required under section 260C.152, subdivision 5."

Page 46, line 10, strike the first "may" and insert "must"

Page 50, lines 1 and 2, reinstate the stricken language

Page 50, line 3, reinstate "(3)" and delete "(2)"

Page 50, line 7, strike everything after the semicolon

Page 50, line 9, after the semicolon, insert "and"

Page 50, after line 9, insert:

"(iv) issues related to cross-cultural placement;"

Page 50, line 10, reinstate "(4)" and delete "(3)"

Page 50, line 14, before the semicolon, insert "taking into consideration the needs of children outlined in section 260C.212, subdivision 2, paragraph (b)"

Page 50, line 15, reinstate "(5)" and delete "(4)"

Page 50, line 18, strike "and" and reinstate "evaluate the"

Page 50, line 19, reinstate the stricken language

Page 50, line 20, reinstate the stricken language and before "other" insert ", and"

Page 50, line 23, delete "must" and insert "may"

Page 50, line 26, delete "must" and insert "may"

Page 50, line 27, before "consult" insert "shall" and delete "as needed"

Page 51, line 5, delete "and"

Page 51, lines 6 to 7, reinstate the stricken language and after "adoption" strike the comma and insert a semicolon

Page 51, line 10, reinstate the stricken language

Page 51, line 11, reinstate the stricken language and before "meet" insert "and"

Pages 52 to 54, delete sections 31 to 33

Page 56, lines 4 to 9, reinstate the stricken language

Page 59, line 4, after the period, insert "The child or the child's guardian ad litem may file a motion asking the court to review the agency's determination within 15 days of receiving the notice. The child shall not be discharged from foster care until the motion is heard."

Page 59, line 7, delete "appeal the termination under section 256.045" and insert "have the agency's determination reviewed by the court in the proceeding where the court conducts the reviews required under sections 260C.203, 260C.515, subdivisions 5 or 6, or 260C.317"

Page 59, line 9, delete everything after "court"

Page 59, line 10, delete everything before the period

Page 59, delete lines 33 to 34 and insert:

"(6) the parent has committed an offense that requires registration as a predatory offender under section 243.166, subdivision 1b, paragraph (a) or (b); or"

Page 61, line 31, delete "in time"

Page 65, line 8, delete "may" and insert "must be filed not later than the date for the required admit/deny hearing under section 260C.507; or if the agency's petition is filed under section

260C.503, subdivision 2, the petition must be filed not later than 30 days prior to the trial required under section 260C.509; and"

Page 65, delete lines 9 to 12

Page 65, line 22, delete "16" and insert "12"

Page 65, after line 22, insert:

"(2) the child is a sibling of a child described in clause (1) and the siblings have a significant positive relationship and are ordered into the same foster home;"

Page 65, line 23, delete "(2)" and insert "(3)"

Page 65, line 27, delete "(3)" and insert "(4)"

Pages 68 to 85, delete sections 46 to 63

Page 85, before line 30, insert:

"ARTICLE 3

CHILD SUPPORT

Section 1. Minnesota Statutes 2010, section 256.01, subdivision 14b, is amended to read:

Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of human services may authorize projects to test tribal delivery of child welfare services to American Indian children and their parents and custodians living on the reservation. The commissioner has authority to solicit and determine which tribes may participate in a project. Grants may be issued to Minnesota Indian tribes to support the projects. The commissioner may waive existing state rules as needed to accomplish the projects. Notwithstanding section 626.556, the commissioner may authorize projects to use alternative methods of investigating and assessing reports of child maltreatment, provided that the projects comply with the provisions of section 626.556 dealing with the rights of individuals who are subjects of reports or investigations, including notice and appeal rights and data practices requirements. The commissioner may seek any federal approvals necessary to carry out the projects as well as seek and use any funds available to the commissioner, including use of federal funds, foundation funds, existing grant funds, and other funds. The commissioner is authorized to advance state funds as necessary to operate the projects. Federal reimbursement applicable to the projects is appropriated to the commissioner for the purposes of the projects. The projects must be required to address responsibility for safety, permanency, and well-being of children.

(b) For the purposes of this section, "American Indian child" means a person under ~~18 years of age~~ 21 years old and who is a tribal member or eligible for membership in one of the tribes chosen for a project under this subdivision and who is residing on the reservation of that tribe.

(c) In order to qualify for an American Indian child welfare project, a tribe must:

(1) be one of the existing tribes with reservation land in Minnesota;

(2) have a tribal court with jurisdiction over child custody proceedings;

(3) have a substantial number of children for whom determinations of maltreatment have occurred;

(4) have capacity to respond to reports of abuse and neglect under section 626.556;

(5) provide a wide range of services to families in need of child welfare services; and

(6) have a tribal-state title IV-E agreement in effect.

(d) Grants awarded under this section may be used for the nonfederal costs of providing child welfare services to American Indian children on the tribe's reservation, including costs associated with:

(1) assessment and prevention of child abuse and neglect;

(2) family preservation;

(3) facilitative, supportive, and reunification services;

(4) out-of-home placement for children removed from the home for child protective purposes; and

(5) other activities and services approved by the commissioner that further the goals of providing safety, permanency, and well-being of American Indian children.

(e) When a tribe has initiated a project and has been approved by the commissioner to assume child welfare responsibilities for American Indian children of that tribe under this section, the affected county social service agency is relieved of responsibility for responding to reports of abuse and neglect under section 626.556 for those children during the time within which the tribal project is in effect and funded. The commissioner shall work with tribes and affected counties to develop procedures for data collection, evaluation, and clarification of ongoing role and financial responsibilities of the county and tribe for child welfare services prior to initiation of the project. Children who have not been identified by the tribe as participating in the project shall remain the responsibility of the county. Nothing in this section shall alter responsibilities of the county for law enforcement or court services.

(f) Participating tribes may conduct children's mental health screenings under section 245.4874, subdivision 1, paragraph (a), clause (14), for children who are eligible for the initiative and living on the reservation and who meet one of the following criteria:

(1) the child must be receiving child protective services;

(2) the child must be in foster care; or

(3) the child's parents must have had parental rights suspended or terminated.

Tribes may access reimbursement from available state funds for conducting the screenings. Nothing in this section shall alter responsibilities of the county for providing services under section 245.487.

(g) Participating tribes may establish a local child mortality review panel. In establishing a local child mortality review panel, the tribe agrees to conduct local child mortality reviews for child deaths or near-fatalities occurring on the reservation under subdivision 12. Tribes with established child mortality review panels shall have access to nonpublic data and shall protect nonpublic data under

subdivision 12, paragraphs (c) to (e). The tribe shall provide written notice to the commissioner and affected counties when a local child mortality review panel has been established and shall provide data upon request of the commissioner for purposes of sharing nonpublic data with members of the state child mortality review panel in connection to an individual case.

(h) The commissioner shall collect information on outcomes relating to child safety, permanency, and well-being of American Indian children who are served in the projects. Participating tribes must provide information to the state in a format and completeness deemed acceptable by the state to meet state and federal reporting requirements.

Sec. 2. Minnesota Statutes 2010, section 257.75, subdivision 7, is amended to read:

Subd. 7. **Hospital and Department of Health ~~distribution of educational materials; recognition form.~~** Hospitals that provide obstetric services and the state registrar of vital statistics shall distribute the educational materials and recognition of parentage forms prepared by the commissioner of human services to new parents; ~~and shall assist parents in understanding the recognition of parentage form, including following the provisions for notice under subdivision 5; shall aid new parents in properly completing the recognition of parentage form, including providing notary services; and shall timely file the completed recognition of parentage form with the office of the state registrar of vital statistics.~~ On and after January 1, 1994, hospitals may not distribute the declaration of parentage forms.

Sec. 3. Minnesota Statutes 2010, section 518C.205, is amended to read:

518C.205 CONTINUING, EXCLUSIVE JURISDICTION.

(a) A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a child support order unless:

(1) ~~as long as~~ ~~this state remains~~ is no longer the residence of the obligor, the individual obligee, ~~or~~ and the child for whose benefit the support order is issued; or

(2) ~~until~~ all of the parties who are individuals have filed written consents with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(b) A tribunal of this state issuing a child support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter.

(c) If a child support order of this state is modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:

(1) enforce the order that was modified as to amounts accruing before the modification;

(2) enforce nonmodifiable aspects of that order; and

(3) provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

(d) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of

another state which has issued a child support order pursuant to this chapter or a law substantially similar to this chapter.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(f) A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state."

Pages 86 to 89, delete sections 2 to 9

Page 105, line 7, strike the semicolon and after "and" insert a comma

Renumber the articles and sections in sequence

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Judiciary and Public Safety. Amendments adopted. Report adopted.

Senator Hann from the Committee on Health and Human Services, to which was referred

S.F. No. 1305: A bill for an act relating to human services; making changes to human services licensing provisions; changing data practices provisions; amending the Maltreatment of Vulnerable Adults Act; amending the Human Services Background Studies Act; amending Minnesota Statutes 2010, sections 13.46, subdivision 4; 245A.02, by adding subdivisions; 245A.04, subdivisions 1, 5, 7, 11; 245A.05; 245A.07, subdivision 3; 245A.08, subdivision 2a; 245A.10, subdivision 5; 245A.14, by adding a subdivision; 245A.22, subdivision 2; 245C.03, subdivision 1; 245C.04, subdivision 1; 245C.05, subdivisions 4, 6, 7; 245C.07; 245C.08, subdivisions 1, 2, 3; 245C.14, subdivision 2; 245C.15; 245C.22, subdivision 5; 245C.28, subdivisions 1, 3; 245C.29, subdivision 2; 256.045, subdivision 3b; 626.557, subdivisions 9c, 12b; 626.5572, subdivisions 8, 11, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 9, delete "45" and insert "90"

Page 7, delete lines 31 to 35

Page 8, delete lines 1 to 2

Page 8, line 3, delete "(f)" and insert "(e)"

Page 8, line 6, delete "(g)" and insert "(f)"

Page 8, delete line 7 and insert "Minnesota tax identification number and the name and address of"

Page 8, delete section 5

Page 11, strike lines 20 to 34

Page 12, line 1, strike "(c) A child foster care" and insert "(b) A"

Page 12, after line 11, insert:

"(c) In addition to the requirements in paragraph (b), a residential program licensed by the commissioner of human services under Minnesota Rules, parts 2960.0010 to 2960.0710, may serve persons under the age of 21 provided the facility complies with the following requirements:

(1) for each person age 18 and older served at the program, the program must assess and document the person's risk of victimizing other residents residing in the facility, and based on the assessment, the facility must develop and implement necessary measures to minimize any risk of harm to other residents, including making arrangements for appropriate sleeping arrangements; and

(2) the program must assure that the services and living arrangements provided to all residents are suitable to the age and functioning of the residents, including separation of services, staff supervision, and other program operations as appropriate."

Page 12, line 12, strike "paragraph" and insert "subdivision"

Page 18, delete section 12

Page 21, after line 34, insert:

"(k) For purposes of family child care, substitute caregivers must receive repeat background studies at the time of each license renewal.

Sec. 14. Minnesota Statutes 2010, section 245C.05, is amended by adding a subdivision to read:

Subd. 2c. **Privacy notice to background study subject.** (a) For every background study, the commissioner's notice to the background study subject, required under section 13.04, subdivision 2, that is provided through the commissioner's electronic NETStudy system or through the commissioner's background study forms shall include the information in paragraph (b).

(b) The background study subject shall be informed that any previous background studies that received a set aside will be reviewed, and without further contact with the background study subject, the commissioner may notify the agency that initiated the subsequent background study that:

(1) the individual has a disqualification that has been set aside for the program or agency that initiated the study;

(2) the reason for the disqualification; and

(3) information about the decision to set aside the disqualification will be available to the license holder upon request without the consent of the background study subject."

Page 32, lines 8 to 9, delete the new language

Page 33, delete section 25 and insert

"Sec. 24. Minnesota Statutes 2010, section 245C.16, subdivision 1, is amended to read:

Subdivision 1. **Determining immediate risk of harm.** (a) If the commissioner determines

that the individual studied has a disqualifying characteristic, the commissioner shall review the information immediately available and make a determination as to the subject's immediate risk of harm to persons served by the program where the individual studied will have direct contact with, or access to, people receiving services.

(b) The commissioner shall consider all relevant information available, including the following factors in determining the immediate risk of harm:

(1) the recency of the disqualifying characteristic;

(2) the recency of discharge from probation for the crimes;

(3) the number of disqualifying characteristics;

(4) the intrusiveness or violence of the disqualifying characteristic;

(5) the vulnerability of the victim involved in the disqualifying characteristic;

(6) the similarity of the victim to the persons served by the program where the individual studied will have direct contact;

(7) whether the individual has a disqualification from a previous background study that has not been set aside; and

(8) if the individual has a disqualification which may not be set aside because it is a permanent bar under section 245C.24, subdivision 1, the commissioner may order the immediate removal of the individual from any position allowing direct contact with, or access to, persons receiving services from the program.

(c) This section does not apply when the subject of a background study is regulated by a health-related licensing board as defined in chapter 214, and the subject is determined to be responsible for substantiated maltreatment under section 626.556 or 626.557.

(d) This section does not apply to a background study related to an initial application for a child foster care license.

(e) This section does not apply to background studies that are also subject to the requirements under section 256B.0659, subdivisions 11 and 13, for personal care assistants and qualified professionals as defined in section 256B.0659, subdivision 1.

~~(e)~~ (f) If the commissioner has reason to believe, based on arrest information or an active maltreatment investigation, that an individual poses an imminent risk of harm to persons receiving services, the commissioner may order that the person be continuously supervised or immediately removed pending the conclusion of the maltreatment investigation or criminal proceedings.

Sec. 25. Minnesota Statutes 2010, section 245C.17, subdivision 2, is amended to read:

Subd. 2. **Disqualification notice sent to subject.** (a) If the information in the study indicates the individual is disqualified from direct contact with, or from access to, persons served by the program, the commissioner shall disclose to the individual studied:

(1) the information causing disqualification;

(2) instructions on how to request a reconsideration of the disqualification;

(3) an explanation of any restrictions on the commissioner's discretion to set aside the disqualification under section 245C.24, when applicable to the individual;

(4) a statement that, if the individual's disqualification is set aside under section 245C.22, the applicant, license holder, or other entity that initiated the background study will be provided with the reason for the individual's disqualification and an explanation that the factors under section 245C.22, subdivision 4, which were the basis of the decision to set aside the disqualification shall be made available to the license holder upon request without the consent of the subject of the background study;

(5) a statement indicating that if the individual's disqualification is set aside or the facility is granted a variance under section 245C.30, the individual's identity and the reason for the individual's disqualification will become public data under section 245C.22, subdivision 7, when applicable to the individual; ~~and~~

(6) a statement that when a subsequent background study is initiated on the individual following a set aside of the individual's disqualification, and the commissioner makes a determination under section 245C.22, subdivision 5, paragraph (b), that the previous set aside applies to the subsequent background study, the applicant, license holder, or other entity that initiated the background study will be informed in the notice under section 245C.22, subdivision 5, paragraph (c):

(i) of the reason for the individual's disqualification;

(ii) that the individual's disqualification is set aside for that program or agency; and

(iii) that information about the factors under section 245C.22, subdivision 4, that were the basis of the decision to set aside the disqualification are available to the license holder upon request without the consent of the background study subject; and

~~(5) (7) the commissioner's determination of the individual's immediate risk of harm under section 245C.16.~~

(b) If the commissioner determines under section 245C.16 that an individual poses an imminent risk of harm to persons served by the program where the individual will have direct contact with, or access to, people receiving services, the commissioner's notice must include an explanation of the basis of this determination.

(c) If the commissioner determines under section 245C.16 that an individual studied does not pose a risk of harm that requires immediate removal, the individual shall be informed of the conditions under which the agency that initiated the background study may allow the individual to have direct contact with, or access to, people receiving services, as provided under subdivision 3.

Sec. 26. Minnesota Statutes 2010, section 245C.22, subdivision 5, is amended to read:

Subd. 5. **Scope of set-aside.** (a) If the commissioner sets aside a disqualification under this section, the disqualified individual remains disqualified, but may hold a license and have direct contact with or access to persons receiving services. Except as provided in paragraph (b), the commissioner's set-aside of a disqualification is limited solely to the licensed program, applicant, or agency specified in the set aside notice under section 245C.23, ~~unless otherwise specified in~~

~~the notice.~~ For personal care provider organizations, the commissioner's set-aside may further be limited to a specific individual who is receiving services. For new background studies required under section 245C.04, subdivision 1, paragraph (i), if an individual's disqualification was previously set aside for the license holder's program and the new background study results in no new information that indicates the individual may pose a risk of harm to persons receiving services from the license holder, the previous set aside shall remain in effect.

(b) If the commissioner previously set aside an individual's disqualification for one or more programs or agencies, and the individual is the subject of a subsequent background study for a different program or agency, the commissioner shall determine whether the disqualification is set aside for the program or agency that initiated the subsequent background study. A notice of set aside under paragraph (c) shall be issued within 15 working days if all of the following criteria are met:

(1) the subsequent background study was initiated in connection with a program licensed or regulated under the same provisions of law and rule for at least one program for which the individual's disqualification was previously set aside by the commissioner;

(2) the individual is not disqualified for an offense specified in section 245C.15, subdivision 1 or 2;

(3) the commissioner has received no new information to indicate that the individual may pose a risk of harm to any person served by the program; and

(4) the previous set aside was not limited to a specific person receiving services.

(c) When a disqualification is set aside under paragraph (b), the notice of background study results issued under section 245C.17, in addition to the requirements under section 245C.17, shall state that the disqualification is set aside for the program or agency that initiated the subsequent background study. The notice must inform the individual that the individual may request reconsideration of the disqualification under section 245C.21 on the basis that the information used to disqualify the individual is incorrect."

Page 38, delete section 30

Page 40, delete section 31

Page 43, delete sections 32 to 34

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "amending the Maltreatment of"

Page 1, line 4, delete "Vulnerable Adults Act;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Judiciary and Public Safety. Amendments adopted. Report adopted.

Senator Hann from the Committee on Health and Human Services, to which was referred

S.F. No. 381: A bill for an act relating to human services; enacting Hannah's Law by modifying cardiopulmonary resuscitation requirements for child care center staff; amending Minnesota Statutes 2010, section 245A.40, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. HANNAH'S LAW.

This act may be cited as "Hannah's Law."

Sec. 2. Minnesota Statutes 2010, section 245A.40, subdivision 4, is amended to read:

Subd. 4. **Cardiopulmonary resuscitation.** (a) ~~When children are present~~ All teachers and assistant teachers in a child care center governed by Minnesota Rules, parts 9503.0005 to 9503.0170, and at least one staff person must be present in the center who has been trained during field trips and when transporting children in care, must satisfactorily complete training in cardiopulmonary resuscitation (CPR) and in the treatment of obstructed airways that includes CPR techniques for infants and children. The CPR training must be completed within 90 days of the start of work, unless the training has been completed within the previous three years. The CPR training must have been provided by an individual approved to provide CPR instruction, must be repeated at least once every three years, and must be documented in the staff person's records.

(b) CPR training may be provided for less than four hours.

(c) ~~Persons qualified to provide CPR training shall include individuals approved as CPR instructors.~~ Persons providing CPR training must use CPR training that has been developed:

(1) by the American Heart Association or the American Red Cross and incorporates psychomotor skills to support the instruction; or

(2) using nationally recognized, evidence-based guidelines for CPR and incorporates psychomotor skills to support the instruction."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Hann from the Committee on Health and Human Services, to which was referred

S.F. No. 1269: A bill for an act relating to human services; requiring reporting of fiscal information on health care services to children under Minnesota public health care programs; proposing coding for new law in Minnesota Statutes, chapter 256.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 6, delete "ANNUAL REPORT" and insert "FORECAST"

Page 1, line 8, delete "30,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Michel from the Committee on Jobs and Economic Growth, to which was referred

S.F. No. 411: A bill for an act relating to labor and industry; allowing limited transfer of restricted plumber licenses; amending Minnesota Statutes 2010, section 326B.475, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Sec. 1. Minnesota Statutes 2010, section 326B.42, is amended by adding a subdivision to read:

Subd. 3a. **Maintenance plumber.** "Maintenance plumber" means an individual having the necessary qualifications, training, experience, and technical knowledge to properly maintain and repair plumbing, who is licensed as a maintenance plumber by the commissioner.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 2. Minnesota Statutes 2010, section 326B.435, subdivision 2, is amended to read:

Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the power to:

(1) elect its chair, vice-chair, and secretary;

(2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing such other provisions as may be useful and necessary for the efficient conduct of the business of the board;

(3) adopt the plumbing code that must be followed in this state and any plumbing code amendments thereto. The plumbing code shall include the minimum standards described in sections 326B.43, subdivision 1, and 326B.52, subdivision 1. The board shall adopt the plumbing code and any amendments thereto pursuant to chapter 14 and as provided in subdivision 6, paragraphs (b), (c), and (d);

(4) review requests for final interpretations and issue final interpretations as provided in section 326B.127, subdivision 5;

(5) adopt rules that regulate the licensure or registration of plumbing contractors, journeymen, unlicensed individuals, master plumbers, restricted master plumbers, restricted journeymen, maintenance plumbers, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems, engaged in the maintenance or repair of plumbing equipment, apparatus, or facilities, or engaged in or working at the business of water conditioning installation or service, except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f);

(6) adopt rules that regulate continuing education for individuals licensed as master plumbers, journeyman plumbers, restricted master plumbers, restricted journeyman plumbers, maintenance plumbers, water conditioning contractors, and water conditioning installers. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f);

(7) refer complaints or other communications to the commissioner, whether oral or written, as provided in subdivision 8, that allege or imply a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, or an offering to perform or performance of unlicensed plumbing services;

- (8) approve per diem and expenses deemed necessary for its members as provided in subdivision 3;
- (9) approve license reciprocity agreements;
- (10) select from its members individuals to serve on any other state advisory council, board, or committee; and
- (11) recommend the fees for licenses and certifications.

Except for the powers granted to the Plumbing Board, the Board of Electricity, and the Board of High Pressure Piping Systems, the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated pursuant thereto.

(b) The board shall comply with section 15.0597, subdivisions 2 and 4.

(c) The commissioner shall coordinate the board's rulemaking and recommendations with the recommendations and rulemaking conducted by the other boards created pursuant to this chapter. The commissioner shall provide staff support to the board. The support includes professional, legal, technical, and clerical staff necessary to perform rulemaking and other duties assigned to the board. The commissioner of labor and industry shall supply necessary office space and supplies to assist the board in its duties.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 3. Minnesota Statutes 2010, section 326B.46, subdivision 1, is amended to read:

Subdivision 1. **License required.** (a) No individual shall engage in or work at the business of a master plumber, restricted master plumber, journeyman plumber, ~~and~~ restricted journeyman plumber, or maintenance plumber unless licensed to do so by the commissioner. A license is not required for individuals performing building sewer or water service installation who have completed pipe laying training as prescribed by the commissioner. A master plumber may also work as a journeyman plumber, a restricted journeyman plumber, and a restricted master plumber. A journeyman plumber may also work as a restricted journeyman plumber. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standards prescribed by the Plumbing Board on premises or that part of premises owned and actually occupied by the worker as a residence, unless otherwise forbidden to do so by a local ordinance.

(b) No person shall engage in the business of planning, superintending, or installing plumbing or shall install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, or in cities and towns with a population of fewer than 5,000 according to the last federal census, a restricted master plumber, who shall be responsible for proper installation, is in charge of the plumbing work of the person.

(c) Except as provided in subdivision 2 1a, no person shall perform or offer to perform plumbing work with or without compensation unless the person obtains a contractor's license. A contractor's license does not of itself qualify its holder to perform the plumbing work authorized by holding a master, journeyman, restricted master, or restricted journeyman license.

(d) No individual shall engage in or work as a maintenance plumber unless:

(1) the individual is licensed as a maintenance plumber;

(2) the individual is engaged in the maintenance and repair of plumbing equipment, apparatus, or facilities that are within the limits of property classified for the purposes of taxation under section 273.13 as class 1c or commercial 4c(1); and

(3) the property is owned or leased by the individual or by the individual's employer.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 4. Minnesota Statutes 2010, section 326B.46, subdivision 1a, is amended to read:

Subd. 1a. **Exemptions from licensing.** (a) An individual without a contractor license may do plumbing work on the individual's residence in accordance with subdivision 1, paragraph (a).

(b) An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by the individual's employer and which is within the limits of property owned or leased, and operated or maintained by the individual's employer, shall not be required to maintain a contractor license as long as the employer has on file with the commissioner a current certificate of responsible person. The certificate must be signed by the responsible master plumber, licensed maintenance plumber, or, in an area of the state that is not a city or town with a population of more than 5,000 according to the last federal census, restricted master plumber, and must state that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the employer's employees comply with sections 326B.41 to 326B.49, all rules adopted under those sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082. The employer must pay a filing fee to file a certificate of responsible person with the commissioner. The certificate shall expire two years from the date of filing. In order to maintain a current certificate of responsible person, the employer must resubmit a certificate of responsible person, with a filing fee, no later than two years from the date of the previous submittal. The filing of the certificate of responsible person does not exempt any employee of the employer from the requirements of this chapter regarding individual licensing as a plumber or registration as ~~a plumber's apprentice~~ an unlicensed individual.

(c) If a contractor employs a licensed plumber, the licensed plumber does not need a separate contractor license to perform plumbing work on behalf of the employer within the scope of the licensed plumber's license.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 5. Minnesota Statutes 2010, section 326B.47, is amended by adding a subdivision to read:

Subd. 2a. **Maintenance plumber exam.** Any individual who has completed four years of practical plumbing experience or four years of experience in maintenance and repair of plumbing equipment, apparatus, or facilities is eligible to take the maintenance plumber's examination. The Plumbing Board may adopt rules to evaluate whether the individual's plumbing experience is applicable in preparing for the maintenance plumber's examination.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 6. Minnesota Statutes 2010, section 326B.49, subdivision 1, is amended to read:

Subdivision 1. **Application, examination, and license fees.** (a) Applications for master ~~and~~ journeyman, and maintenance plumber's licenses shall be made to the commissioner, with all fees

required by section 326B.092. Unless the applicant is entitled to a renewal, the applicant shall be licensed by the commissioner only after passing a satisfactory examination developed and administered by the commissioner, based upon rules adopted by the Plumbing Board, showing fitness. Until the Plumbing Board adopts rules regarding the fitness of applicants for a maintenance plumber's license, the commissioner shall develop an application designed to show that the applicant has the qualifications, training, experience, and technical knowledge needed to properly maintain and repair plumbing, as determined at the sole discretion of the commissioner.

(b) All initial journeyman and maintenance plumber's licenses shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made. All master plumber's licenses shall expire on December 31 of each even-numbered year after issuance or renewal. All renewed maintenance plumber's licenses shall be two-year licenses. The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of master and journeyman plumber's licenses from one year to two years. By June 30, 2011, all renewed master and journeyman plumber's licenses shall be two-year licenses.

(c) Applications for contractor licenses shall be made to the commissioner, with all fees required by section 326B.092. All contractor licenses shall expire on December 31 of each odd-numbered year after issuance or renewal.

(d) For purposes of calculating license fees and renewal license fees required under section 326B.092:

(1) the following licenses shall be considered business licenses: plumbing contractor and restricted plumbing contractor;

(2) the following licenses shall be considered master licenses: master plumber and restricted master plumber;

(3) the following licenses shall be considered journeyman licenses: journeyman plumber ~~and~~ restricted journeyman plumber, maintenance plumber; and

(4) the registration of a plumber's apprentice under section 326B.47, subdivision 3, shall be considered an entry level license.

(e) For each filing of a certificate of responsible person by an employer, the fee is \$100, except that the fee under this section for a maintenance plumber is \$40.

EFFECTIVE DATE. This section is effective January 1, 2012."

Delete the title and insert:

"A bill for an act relating to labor and industry; licensing maintenance plumbers in certain cases; modifying fees; amending Minnesota Statutes 2010, sections 326B.42, by adding a subdivision; 326B.435, subdivision 2; 326B.46, subdivisions 1, 1a; 326B.47, by adding a subdivision; 326B.49, subdivision 1."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Michel from the Committee on Jobs and Economic Growth, to which was referred

S.F. No. 1280: A bill for an act relating to employment; providing notice of sharing of gratuities and authorizing employers to safeguard and disburse shared gratuities; amending Minnesota Statutes 2010, section 177.24, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 177.24, subdivision 3, is amended to read:

Subd. 3. **Sharing of gratuities.** For purposes of this chapter, any gratuity received by an employee or deposited in or about a place of business for personal services rendered by an employee is the sole property of the employee. No employer may require an employee to contribute or share a gratuity received by the employee with the employer or other employees or to contribute any or all of the gratuity to a fund or pool operated for the benefit of the employer or employees. This section does not prevent an employee from voluntarily ~~and individually~~ sharing gratuities with other employees. The agreement to share gratuities must be made by the employees free of any employer participation, except that an employer may:

(1) upon the request of employees, safeguard gratuities to be shared by employees and disburse shared gratuities to employees participating in the agreement;

(2) report the amounts received as required for tax purposes; and

(3) post a copy of this section for the information of employees.

The commissioner may require the employer to pay restitution in the amount of the gratuities diverted. If the records maintained by the employer do not provide sufficient information to determine the exact amount of gratuities diverted, the commissioner may make a determination of gratuities diverted based on available evidence and mediate a settlement with the employer."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Michel from the Committee on Jobs and Economic Growth, to which was referred

S.F. No. 1204: A bill for an act relating to workforce development; providing for a public library representative to the Governor's Workforce Development Council; amending Minnesota Statutes 2010, section 116L.665, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete the new language and reinstate the stricken language

Page 1, line 13, delete the new language and reinstate the stricken language

Page 2, line 26, delete "advisory member of" and insert "advisor to"

And when so amended the bill do pass and be re-referred to the Committee on State Government Innovation and Veterans. Amendments adopted. Report adopted.

Senator Michel from the Committee on Jobs and Economic Growth, to which was referred

S.F. No. 1265: A bill for an act relating to drug and alcohol testing; modifying provisions related to professional athletes; amending Minnesota Statutes 2010, section 181.955, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 181.955, is amended by adding a subdivision to read:

Subd. 3. **Professional athletes.** Sections 181.950 to 181.954 shall not be construed to interfere with the operation of a drug and alcohol testing program if:

(1) the drug and alcohol testing program is permitted under a contract between the employer and employees; and

(2) the covered employees are employed as professional athletes.

Upon request of the commissioner of labor and industry, the exclusive representative of the employees and the employer shall certify to the commissioner of labor and industry that the drug and alcohol testing program permitted under the contract should operate without interference from the sections specified in this subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Gerlach from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 1158: A bill for an act relating to insurance; enacting the Group Insurance Portability Act (GIPA); conforming state law on continuation employer group health coverage to the federal COBRA law; providing access to a GAP policy as an alternative; amending Minnesota Statutes 2010, sections 62A.146; 62A.148; 62A.17; 62A.20, subdivision 2; 62A.21, subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 2, delete sections 1 and 2

Page 4, lines 6 to 9, delete the new language and reinstate the stricken language

Page 6, line 14, delete "60" and reinstate the stricken "30"

Page 8, delete sections 4 and 5

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete everything before "providing"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Gerlach from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 302: A bill for an act relating to insurance; regulating dental plan contracts and provider audits; amending Minnesota Statutes 2010, sections 62Q.76, by adding a subdivision; 62Q.78, by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 62Q.76, is amended by adding a subdivision to read:

Subd. 8. **Dental provider contract.** "Dental provider contract" means a written agreement between a dentist or dental clinic and dental organization to provide dental care services.

Sec. 2. Minnesota Statutes 2010, section 62Q.78, is amended by adding a subdivision to read:

Subd. 4. **Contract amendment.** An amendment or change in terms of an existing contract between a dental organization and a dentist must be disclosed to the dentist at least 90 days before the effective date of the proposed change.

Sec. 3. Minnesota Statutes 2010, section 62Q.78, is amended by adding a subdivision to read:

Subd. 5. **Provider audits.** (a) A dental organization is prohibited from recovering payments or otherwise withholding payments from a provider.

(b) Notwithstanding paragraph (a), a dental organization may recover payments or withhold payments from a provider after an audit or investigation where the following circumstances are met:

(1) the dental organization has conducted an audit or investigation of the provider's actual patient records and claims submissions, reviewed all relevant information and documentation, and made verified findings following the audit or investigation;

(2) looks back no more than 42 months from the date the audit or investigation results are given to the provider, except for an audit of public programs or where fraud has occurred; and

(3) the payments or withholding amount do not rely, in any way, on mathematical extrapolation or other statistical modeling.

(c) If a dental organization conducts a provider audit, the dental organization must use a licensed dentist whose license is in good standing to review the charts.

(d) As part of any provider audit process, a dental organization shall:

(1) provide a written explanation to the provider of the reason for the audit and the process the

dental organization intends to use to audit the patient charts, as well as a written explanation of the processes available to the provider once the dental organization completes its review of the audited patient records; and

(2) allow the provider at least 75 days from the date that the provider receives the verified audit or investigation findings to review, meet, and negotiate an informal resolution to the audit or investigation.

Sec. 4. Minnesota Statutes 2010, section 62Q.78, is amended by adding a subdivision to read:

Subd. 6. Payment for covered services. (a) No contract of any dental plan or dental organization that covers any dental services or dental provider agreement with a dentist may require, directly or indirectly, that a dentist provide services to an enrolled participant at a fee set by, or at a fee subject to the approval of, the dental plan or dental organization unless the dental services are covered services.

(b) A dental plan or dental organization or other person providing third-party administrator services shall not make available any providers in its dentist network to a plan that sets dental fees for any services except covered services.

(c) "Covered services" means dental care services for which a reimbursement is available under an enrollee's plan contract, or for which a reimbursement would be available but for the application of contractual limitations such as deductibles, co-payments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or any other limitation.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective August 1, 2011, and apply to dental plans and provider agreements entered into or renewed on or after that date."

Delete the title and insert:

"A bill for an act relating to insurance; regulating dental provider contracts and provider audits; amending Minnesota Statutes 2010, sections 62Q.76, by adding a subdivision; 62Q.78, by adding subdivisions."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Limmer from the Committee on Judiciary and Public Safety, to which was re-referred

S.F. No. 649: A bill for an act relating to health; prohibiting abortions at or after 20 weeks gestational age unless certain exceptions apply; providing civil and criminal penalties; amending Minnesota Statutes 2010, section 145.4131, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 8; 145.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 23, after "pregnant" insert a comma

Page 3, delete line 24 and insert "birth; to preserve the life or health of the child after live birth; or to remove a dead unborn"

Page 3, line 26, delete the comma and insert a semicolon

Page 5, line 31, delete "GESTATIONAL" and insert "POSTFERTILIZATION"

Page 5, line 32, delete everything before "Except"

Page 6, line 6, delete subdivision 2

Page 6, line 10, delete "GESTATIONAL" and insert "POSTFERTILIZATION"

Page 7, line 10, delete "actual and punitive"

Page 7, line 13, delete "actual and punitive"

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 12.10, upon the request of three members, a roll call was taken on the motion that S.F. No. 649 be recommended to pass.

There were yeas 8 and nays 4, as follows:

Those who voted in the affirmative were:

Senators Hall, Hoffman, Ingebrigtsen, Jungbauer, Limmer, Newman, Ortman and Thompson.

Those who voted in the negative were:

Senators Goodwin, Latz, Marty and McGuire.

The bill was recommended to pass.

Senator Limmer from the Committee on Judiciary and Public Safety, to which was re-referred

S.F. No. 103: A bill for an act relating to health; limiting use of funds for state-sponsored health programs for funding abortions.

Reports the same back with the recommendation that the bill do pass. Report adopted.

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 12.10, upon the request of three members, a roll call was taken on the motion that S.F. No. 103 be recommended to pass.

There were yeas 8 and nays 5, as follows:

Those who voted in the affirmative were:

Senators Hall, Hoffman, Ingebrigtsen, Jungbauer, Limmer, Newman, Ortman and Thompson.

Those who voted in the negative were:

Senators Goodwin, Harrington, Latz, Marty and McGuire.

The bill was recommended to pass.

Senator Limmer from the Committee on Judiciary and Public Safety, to which was re-referred

S.F. No. 1225: A bill for an act relating to campaign finance; changing certain procedures and requirements of the Campaign Finance and Public Disclosure Board; amending Minnesota Statutes 2010, sections 10A.01, by adding subdivisions; 10A.02, subdivisions 9, 10, 11, 12, 13, by adding a subdivision; 10A.105, subdivision 1; 10A.12, subdivisions 1, 1a, 2; 10A.121, subdivision 1; 10A.14, subdivision 1, by adding a subdivision; 10A.20, subdivisions 1, 2, 3, 4, 5, 6, 12, by adding a subdivision; 10A.24, by adding a subdivision; 10A.27, subdivisions 14, 15; 10A.31, subdivision 7; 10A.315; repealing Minnesota Rules, parts 4501.0500, subpart 2, item A; 4503.0200, subpart 6; 4503.0500, subpart 8; 4503.1700; 4512.0100, subparts 2, 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, delete "other" and insert "the sections of chapter 211B"

Page 2, line 2, delete "provisions of law"

Page 2, line 7, delete "other provisions" and insert "the sections of chapter 211B"

Page 2, line 15, delete the second "provisions" and insert "the sections of chapter 211B"

Page 3, line 16, delete "privacy"

Page 3, line 17, after "treasurers" insert "or candidates"

Page 3, line 18, delete "such" and insert "these"

Page 3, line 19, after "treasurers" insert "or candidates" and delete "is not government" and insert "are nonpublic" and delete "under chapter 13" and insert "as defined in section 13.02, subdivision 9,"

Page 3, line 20, after "treasurer's" insert "or candidate's"

Page 3, line 21, delete "such" and insert "these" and after "treasurer" insert "or candidate"

Page 3, line 22, delete "is government" and insert "are public" and delete "under chapter 13" and insert ", subject to section 10A.20, subdivision 1b"

Page 3, line 25, delete "those sections" and insert "the sections of chapter 211B"

Page 14, after line 3, insert:

"Sec. 29. Minnesota Statutes 2010, section 13.607, is amended by adding a subdivision to read:

Subd. 3a. Data maintained by the Campaign Finance and Public Disclosure Board. Data in an electronic reporting system maintained by the Campaign Finance and Public Disclosure Board are governed by section 10A.02, subdivision 11b."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Ingebrigtsen from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1354: A bill for an act relating to environment; modifying Clean Water Partnership Law; amending Minnesota Statutes 2010, sections 17.117, subdivision 6a; 103F.705; 103F.711, subdivision 8; 103F.715; 103F.725, subdivisions 1, 1a; 103F.731, subdivision 2; 103F.735; 103F.741, subdivision 1; 103F.745; 103F.751; repealing Minnesota Statutes 2010, sections 103F.711, subdivision 7; 103F.721; 103F.731, subdivision 1; 103F.761.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 17.117, subdivision 6a, is amended to read:

Subd. 6a. **Review and ranking of applications.** (a) The commissioner shall chair ~~the~~ a subcommittee ~~established in section 103F.761, subdivision 2, paragraph (b),~~ for purposes of reviewing and ranking applications and recommending to the commissioner allocation amounts. The subcommittee consists of representatives of the Departments of Agriculture, Natural Resources, and Health; the Pollution Control Agency; the Board of Water and Soil Resources; the Farm Service Agency and the Natural Resource Conservation Service of the United States Department of Agriculture; the Association of Minnesota Counties; the Minnesota Association of Soil and Water Conservation Districts; and other agencies or associations the commissioner determines are appropriate.

(b) The subcommittee must use the criteria in clauses (1) to (9) as well as other criteria it determines appropriate in carrying out the review and ranking:

(1) whether the proposed activities are identified in a comprehensive water management plan or other appropriate local planning documents as priorities;

(2) the potential that the proposed activities have for improving or protecting environmental quality;

(3) the extent that the proposed activities support areawide or multijurisdictional approaches to protecting environmental quality based on defined watershed or similar geographic areas;

(4) whether the activities are needed for compliance with existing environmental laws or rules;

(5) whether the proposed activities demonstrate participation, coordination, and cooperation between local units of government and other public agencies;

(6) whether there is coordination with other public and private funding sources and programs;

(7) whether the applicant has targeted specific best management practices to resolve specific environmental problems;

(8) past performance of the applicant in completing projects identified in prior applications and allocation agreements; and

(9) whether there are off-site public benefits.

Sec. 2. Minnesota Statutes 2010, section 103F.705, is amended to read:

103F.705 PURPOSE.

~~(a)~~ It is the purpose of the legislature in enacting sections 103F.701 to ~~103F.761~~ 103F.755 to protect ~~and improve,~~ enhance, and restore surface and ground water in the state, through financial and technical assistance to local units of government to ~~control~~ prevent water pollution, including that associated with land use and land management activities, and

~~(b) It is also the purpose of the legislature to:~~

~~(1) identify water quality problems and their causes;~~

~~(2) direct technical and financial resources to resolve water quality problems and to abate their causes;~~

~~(3) provide technical and financial resources to local units of government for implementation of water quality protection and improvement projects;~~

~~(4) coordinate a nonpoint source pollution control program with elements of the existing state water quality program and other existing resource management programs; and~~

~~(5) to provide a legal basis for state implementation of federal laws controlling nonpoint source water pollution.~~

Sec. 3. Minnesota Statutes 2010, section 103F.711, subdivision 8, is amended to read:

Subd. 8. **Project.** "Project" means the diagnostic study identification of water pollution caused by nonpoint sources of water pollution and its causes, a plan to implement best management practices prevent water pollution or protect and improve water quality, and the physical features constructed or actions taken by a local unit of government to implement best management practices measures taken to prevent water pollution or protect and improve water quality.

Sec. 4. Minnesota Statutes 2010, section 103F.715, is amended to read:

103F.715 CLEAN WATER PARTNERSHIP PROGRAM ESTABLISHED.

A clean water partnership program is established as provided in sections 103F.701 to ~~103F.761~~ 103F.755. The agency shall administer the program in accordance with these sections. ~~As a basis for the program, the agency and the Metropolitan Council shall conduct an assessment of waters in accordance with section 103F.721.~~ The agency shall ~~then~~ provide financial and technical assistance in accordance with section 103F.725 to local units of government for projects in geographical areas that contribute to surface or ground water flows. The projects shall provide for protection and improvement, enhancement, or restoration of surface and ground water ~~from nonpoint sources of water pollution.~~

Sec. 5. Minnesota Statutes 2010, section 103F.725, subdivision 1, is amended to read:

Subdivision 1. **Grants.** (a) The agency may award grants for up to 50 percent of the eligible cost ~~for~~ projects.

~~(1) the development of a diagnostic study and implementation plan; and~~

~~(2) the implementation of that plan.~~

(b) The agency shall determine which costs are eligible costs and grants shall be made and used only for eligible costs.

Sec. 6. Minnesota Statutes 2010, section 103F.725, subdivision 1a, is amended to read:

Subd. 1a. **Loans.** (a) Up to ~~\$36,000,000~~ \$50,000,000 of the balance in the clean water revolving fund in section 446A.07, as determined by the Public Facilities Authority, may be provided to the commissioner for ~~the establishment of~~ a clean water partnership loan program.

(b) The agency may award loans for up to 100 percent of the costs associated with activities identified by the agency as best management practices pursuant to section 319 and section 320 of the federal Water Quality Act of 1987, as amended, including associated administrative costs.

(c) Loans may be used to finance clean water partnership grant project eligible costs not funded by grant assistance.

(d) The interest rate, at or below market rate, and the term, not to exceed 20 years, shall be determined by the agency in consultation with the Public Facilities Authority.

(e) The repayment must be deposited in the clean water revolving fund under section 446A.07.

(f) The local unit of government receiving the loan is responsible for repayment of the loan.

(g) For the purpose of obtaining a loan from the agency, a local government unit may provide to the agency its general obligation note. All obligations incurred by a local government unit in obtaining a loan from the agency must be in accordance with chapter 475, except that so long as the obligations are issued to evidence a loan from the agency to the local government unit, an election is not required to authorize the obligations issued, and the amount of the obligations shall not be included in determining the net indebtedness of the local government unit under the provisions of any law or chapter limiting the indebtedness.

Sec. 7. Minnesota Statutes 2010, section 103F.731, subdivision 2, is amended to read:

Subd. 2. **Eligibility; documents required.** (a) Local units of government are eligible to apply for assistance. An applicant for assistance shall submit ~~the following to the agency:~~

~~(1) an application~~ a project proposal form as prescribed by the agency; and

~~(2) evidence that the applicant has consulted with the local soil and water conservation districts and watershed districts, where they exist, in preparing the application; and.~~

~~(3)~~ (b) The proposed project must be identified in at least one of the following documents:

~~(i)~~ (1) the comprehensive water plan authorized under sections 103B.301 to 103B.355;

~~(ii)~~ (2) a surface water management plan required under section 103B.231;

~~(iii)~~ (3) an overall plan required under chapter 103D; or

~~(iv)~~ (4) any other local plan that provides an inventory of existing physical and hydrologic information on the area, a general identification of water quality problems and goals, and that demonstrates a local commitment to water quality protection ~~or improvement~~, enhancement, or restoration;

(5) an approved total maximum daily load (TMDL) or a TMDL implementation plan; or

(6) a watershed protection and restoration strategy implementation plan.

~~(b) After July 1, 1991, only projects that are a part of, or are responsive to, a local water plan under the Comprehensive Local Water Management Act, chapter 103D, or sections 103B.211 to 103B.255, will be eligible under paragraph (a), clause (3).~~

~~(c) The document submitted in compliance with paragraph (a), clause (2), must identify existing and potential nonpoint source water pollution problems and must recognize the need and demonstrate the applicant's commitment to abate or prevent water pollution from nonpoint sources in the geographic areas for which the application is submitted.~~

Sec. 8. Minnesota Statutes 2010, section 103F.735, is amended to read:

103F.735 AGENCY REVIEW OF APPLICATIONS PROPOSALS.

Subdivision 1. **Ranking of applications proposals.** The agency shall rank applications proposals for technical and financial assistance in order of priority and shall, within the limits of available appropriations, grant those applications proposals having the highest priority. The agency shall by rule adopt appropriate criteria to determine the priority of projects.

Subd. 2. **Criteria.** (a) The criteria shall give the highest priority to projects that best demonstrate compliance with the objectives in paragraphs (b) to ~~(e)~~ (d).

(b) The project demonstrates participation, coordination, and cooperation between local units of government and other public agencies, ~~including soil and water conservation districts or watershed districts, or both those districts~~ and local stakeholders.

(c) The degree of water quality ~~improvement or~~ protection, enhancement, or restoration is maximized relative to the cost of implementing the best management practices.

(d) Best management practices provide a feasible means to abate or prevent nonpoint source water pollution.

~~(e) The project goals and objectives are consistent with the state water quality management plans, the statewide resource assessment conducted under section 103F.721, and other applicable state and local resource management programs.~~

Sec. 9. Minnesota Statutes 2010, section 103F.741, subdivision 1, is amended to read:

Subdivision 1. **Implementation according to law and contract.** A local unit of government receiving technical or financial assistance, or both, from the agency shall carry out the ~~implementation plan~~ project approved by the agency according to the terms of the plan, the provisions of a contract or grant agreement made with the agency and according to sections

103F.701 to ~~103F.761~~ 103F.755, the rules of the agency, and applicable federal requirements.

Sec. 10. Minnesota Statutes 2010, section 103F.745, is amended to read:

103F.745 RULES.

(a) The agency shall adopt rules necessary to implement sections 103F.701 to ~~103F.761~~ 103F.755. The rules shall contain at a minimum:

(1) procedures to be followed by local units of government in applying for technical or financial assistance or both;

(2) conditions for the administration of assistance;

~~(3) procedures for the development, evaluation, and implementation of best management practices~~ requirements for a project;

~~(4) requirements for a diagnostic study and implementation plan~~ criteria for the evaluation and approval of a project;

~~(5) criteria for the evaluation and approval of a diagnostic study and implementation plan;~~

~~(6) criteria for the evaluation of best management practices;~~

~~(7) criteria for the ranking of projects in order of priority for assistance;~~

~~(8) (6) criteria for defining and evaluating eligible costs and cost-sharing by local units of government applying for assistance;~~

(7) requirements for providing measurable outcomes; and

~~(9) (8) other matters as the agency and the commissioner find necessary for the proper administration of sections 103F.701 to ~~103F.761~~ 103F.755, including any rules determined by the commissioner to be necessary for the implementation of federal programs to ~~control nonpoint source water pollution~~ protect, enhance, or restore water quality.~~

(b) For financial assistance by loan under section 103F.725, subdivision 1a, criteria established by rule ~~for the clean water partnership grants program~~ shall guide requirements and administrative procedures ~~for the loan program until January 1, 1996, or the effective date of the administrative rules for the clean water partnership loan program, whichever occurs first.~~

Sec. 11. Minnesota Statutes 2010, section 103F.751, is amended to read:

103F.751 NONPOINT SOURCE POLLUTION ~~CONTROL~~ MANAGEMENT PLAN AND PROGRAM EVALUATION.

To coordinate the programs and activities used to control nonpoint sources of pollution to achieve the state's water quality goals, the agency shall:

~~(1) develop a state plan for the control of nonpoint source water pollution to meet the requirements of the federal Clean Water Act;~~ and,

~~(2) work through the Environmental Quality Board to coordinate the activities and programs of federal, state, and local agencies involved in nonpoint source pollution control and, as appropriate,~~

develop agreements with federal and state agencies to accomplish the purposes and objectives of the state nonpoint source pollution ~~control~~ management plan; and.

~~(3) evaluate the effectiveness of programs in achieving water quality goals and recommend to the legislature, under section 3.195, subdivision 1, any necessary amendments to sections 103F.701 to 103F.761.~~

Sec. 12. REVISOR'S INSTRUCTION.

The revisor of statutes shall change the range reference "sections 103F.701 to 103F.761" wherever it appears in Minnesota Statutes and Minnesota Rules to "sections 103F.701 to 103F.755."

Sec. 13. REPEALER.

Minnesota Statutes 2010, sections 103F.711, subdivision 7; 103F.721; 103F.731, subdivision 1; and 103F.761, are repealed."

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Ingebrigtsen from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1002: A bill for an act relating to natural resources; providing for disposition of trout and salmon management account; appropriating money; amending Minnesota Statutes 2010, section 97A.075, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, delete "2011" and insert "2013"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Ingebrigtsen from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 128: A bill for an act relating to veterans; appropriating money for a matching grant to be used for improvements at the Disabled Veterans Rest Camp on Big Marine Lake in Washington County.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "\$500,000" and insert "\$....."

Page 1, line 12, delete "\$100,000" and insert "\$....."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Ingebrigtsen from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1243: A bill for an act relating to environment; modifying Waste Management Act; amending Minnesota Statutes 2010, sections 115A.03, subdivision 25a; 115A.95.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "the" and insert "an"

Page 1, line 15, delete everything after "facility" and insert "that is permitted to recycle or compost the material."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Ingebrigtsen from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 999: A bill for an act relating to natural resources; providing for disposition of waterfowl habitat improvement account; appropriating money; amending Minnesota Statutes 2010, section 97A.075, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, delete "2011" and insert "2013"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rosen from the Committee on Energy, Utilities and Telecommunications, to which was re-referred

S.F. No. 1120: A bill for an act relating to human services; amending continuing care policy provisions; making changes to the telephone equipment program; making changes to disability services provisions; reforming comprehensive assessments and case management services; making changes to nursing facility provisions; making technical and conforming changes; providing for rulemaking authority; requiring reports; amending Minnesota Statutes 2010, sections 144A.071, subdivisions 3, 4a, 5a; 144A.073, subdivision 3c, by adding a subdivision; 144D.08; 237.50; 237.51; 237.52; 237.53; 237.54; 237.55; 237.56; 245A.03, subdivision 7; 245A.11, subdivision 8; 252.32, subdivision 1a; 252A.21, subdivision 2; 256.476, subdivision 11; 256B.0625, subdivision 19c; 256B.0659, subdivisions 1, 2, 3, 3a, 4, 9, 11, 13, 14, 19, 21, 30; 256B.0911, subdivisions 1, 1a, 2b, 2c, 3, 3a, 3b, 3c, 4a, 4c, 6; 256B.0913, subdivisions 7, 8; 256B.0915, subdivisions 1a, 1b, 3c, 6, 10; 256B.0916, subdivision 7; 256B.092, subdivisions 1, 1a, 1b, 1e, 1g, 2, 3, 5, 7, 8, 8a, 9, 11; 256B.096, subdivision 5; 256B.19, subdivision 1e; 256B.431, subdivisions 2t, 26; 256B.438, subdivisions 1, 3, 4, by adding a subdivision; 256B.441, subdivision 55a, by adding a subdivision; 256B.49, subdivisions 13, 14, 15, 21; 256B.4912; 256G.02, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 252; repealing Minnesota Statutes 2010, section 144A.073, subdivisions 4, 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Koch, from the Committee on Rules and Administration, to which was referred

H.F. No. 1117 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1117	904				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Koch, from the Committee on Rules and Administration, to which was referred

H.F. No. 387 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
387	471				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 387 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 387; and insert the language after the enacting clause of S.F. No. 471, the first engrossment; further, delete the title of H.F. No. 387; and insert the title of S.F. No. 471, the first engrossment.

And when so amended H.F. No. 387 will be identical to S.F. No. 471, and further recommends that H.F. No. 387 be given its second reading and substituted for S.F. No. 471, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Koch, from the Committee on Rules and Administration, to which was referred

H.F. No. 753 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
753	792				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 753 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 753, the first engrossment; and insert the language after the enacting clause of S.F. No. 792, the first engrossment; further, delete the title of H.F. No. 753, the first engrossment; and insert the title of S.F. No. 792, the first engrossment.

And when so amended H.F. No. 753 will be identical to S.F. No. 792, and further recommends that H.F. No. 753 be given its second reading and substituted for S.F. No. 792, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 381, 1269, 1280, 1265, 302, 649, 103, 1225, 1243 and 1120 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1117, 387 and 753 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Latz introduced—

S.F. No. 1375: A bill for an act relating to civil justice; establishing a presumption of rehabilitation for persons with expunged offenses; amending Minnesota Statutes 2010, sections 364.03, subdivision 3; 364.10; proposing coding for new law in Minnesota Statutes, chapter 364.

Referred to the Committee on Judiciary and Public Safety.

Senator Goodwin introduced—

S.F. No. 1376: A bill for an act relating to state government; designating the black bear as the state mammal; proposing coding for new law in Minnesota Statutes, chapter 1.

Referred to the Committee on State Government Innovation and Veterans.

Senator Goodwin introduced—

S.F. No. 1377: A bill for an act relating to local government; establishing Metrodome Task Force.

Referred to the Committee on Local Government and Elections.

Senators Ortman, Chamberlain, Hall, Senjem and Nelson introduced—

S.F. No. 1378: A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XI; limiting the level of budgeted spending to 98 percent of the amount forecast to be collected in the biennium.

Referred to the Committee on Taxes.

Senators Hoffman, Lillie, Hann, Newman and Ingebrigtsen introduced—

S.F. No. 1379: A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XI; limiting the level of budgeted spending to 98 percent of the amount forecast to be collected in the biennium.

Referred to the Committee on Taxes.

Senators Kruse, Gimse, Brown, Dahms and Carlson introduced—

S.F. No. 1380: A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XI; limiting the level of budgeted spending to 98 percent of the amount forecast to be collected in the biennium.

Referred to the Committee on Taxes.

Senators Howe, Limmer, Gerlach, Koch and Parry introduced—

S.F. No. 1381: A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XI; limiting the level of budgeted spending to 98 percent of the amount forecast to be collected in the biennium.

Referred to the Committee on Taxes.

Senators Jungbauer, Wolf, Gazelka, Daley and Vandever introduced—

S.F. No. 1382: A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XI; limiting the level of budgeted spending to 98 percent of the amount forecast to be collected in the biennium.

Referred to the Committee on Taxes.

Senators Pederson, DeKruif, Benson, Nienow and Robling introduced—

S.F. No. 1383: A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XI; limiting the level of budgeted spending to 98 percent of the amount forecast to be collected in the biennium.

Referred to the Committee on Taxes.

MOTIONS AND RESOLUTIONS

Senator Nelson moved that S.F. No. 1204 be withdrawn from the Committee on State Government Innovation and Veterans, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 1204 was read the second time.

Senator Newman moved that S.F. No. 1289, No. 79 on General Orders, be stricken and re-referred to the Committee on Judiciary and Public Safety. The motion prevailed.

CONSENT CALENDAR

S.F. No. 1135: A bill for an act relating to health; extending the Maternal and Child Health Advisory Task Force; amending Minnesota Statutes 2010, section 145.881, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Langseth	Nienow	Senjem
Benson	Gerlach	Lillie	Olson	Sheran
Berglin	Hall	Limmer	Ortman	Sieben
Bonoff	Harrington	Lourey	Pappas	Skoe
Brown	Higgins	Magnus	Parry	Sparks
Carlson	Hoffman	Marty	Pederson	Stumpf
Cohen	Howe	McGuire	Pogemiller	Thompson
Dahms	Ingebrigtsen	Metzen	Reinert	Tomassoni
Daley	Kelash	Michel	Rest	Torres Ray
DeKruif	Koch	Miller	Robling	Wiger
Dibble	Kruse	Nelson	Rosen	Wolf
Fischbach	Kubly	Newman	Saxhaug	

Those who voted in the negative were:

Vandev eer

So the bill passed and its title was agreed to.

S.F. No. 1134: A bill for an act relating to health; changing provisions for body art technicians; amending Minnesota Statutes 2010, sections 146B.03, subdivision 4; 146B.04, subdivision 1; 146B.06, subdivision 5; 146B.10, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Bakk	Berglin	Brown	Cohen	Daley
Benson	Bonoff	Carlson	Dahms	DeKruif

Dibble	Kelash	McGuire	Parry	Sieben
Fischbach	Koch	Metzen	Pederson	Skoe
Gazelka	Kruse	Michel	Pogemiller	Sparks
Gerlach	Kubly	Miller	Reinert	Stumpf
Hall	Langseth	Nelson	Rest	Thompson
Harrington	Lillie	Newman	Robling	Tomassoni
Higgins	Limmer	Nienow	Rosen	Torres Ray
Hoffman	Lourey	Olson	Saxhaug	Wiger
Howe	Magnus	Ortman	Senjem	Wolf
Ingebrigtsen	Marty	Pappas	Sheran	

Those who voted in the negative were:

Vandev eer

So the bill passed and its title was agreed to.

S.F. No. 346: A bill for an act relating to the Mississippi River Parkway Commission; changing its expiration date; amending Minnesota Statutes 2010, section 161.1419, subdivision 8.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 9, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Langseth	Ortman	Skoe
Benson	Gerlach	Lillie	Pappas	Sparks
Berglin	Hall	Lourey	Parry	Stumpf
Bonoff	Harrington	Magnus	Pederson	Tomassoni
Brown	Higgins	Marty	Reinert	Torres Ray
Carlson	Howe	McGuire	Rest	Wiger
Cohen	Ingebrigtsen	Metzen	Robling	Wolf
Dahms	Kelash	Michel	Rosen	
Daley	Koch	Miller	Saxhaug	
Dibble	Kruse	Nelson	Senjem	
Fischbach	Kubly	Olson	Sieben	

Those who voted in the negative were:

DeKruif	Limmer	Nienow	Sheran	Vandev eer
Hoffman	Newman	Pogemiller	Thompson	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Senator Fischbach in the chair.

After some time spent therein, the committee arose, and Senator Fischbach reported that the committee had considered the following:

S.F. No. 573 and H.F. No. 186, which the committee recommends to pass.

On motion of Senator Michel, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MEMBERS EXCUSED

Senators Chamberlain, Gimse, Goodwin, Hann, Jungbauer, Latz and Scheid were excused from the Session of today.

ADJOURNMENT

Senator Michel moved that the Senate do now adjourn until 11:00 a.m., Thursday, May 5, 2011. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

