

ONE HUNDRED THIRTEENTH DAY

St. Paul, Minnesota, Monday, April 30, 2012

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Phil Shaw.

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	Koch	Newman	Sieben
Benson	Gerlach	Koenen	Nienow	Skoe
Bonoff	Gimse	Kruse	Olson	Sparks
Brown	Goodwin	Langseth	Ortman	Stumpf
Carlson	Hall	Latz	Pappas	Thompson
Chamberlain	Hann	Limmer	Parry	Tomassoni
Cohen	Harrington	Lourey	Pederson	Torres Ray
Dahms	Hayden	Magnus	Reinert	Vanderveer
Daley	Higgins	Marty	Rest	Wiger
DeKruif	Hoffman	McGuire	Robling	Wolf
Dibble	Howe	Metzen	Rosen	
Dziedzic	Ingebrigtsen	Michel	Saxhaug	
Eaton	Jungbauer	Miller	Senjem	
Fischbach	Kelash	Nelson	Sheran	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 28, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Madam President:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1754 and 2137.

Sincerely,
Mark Dayton, Governor

April 28, 2012

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2012 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2012	Date Filed 2012
1754		242	4:20 p.m. April 28	April 28
	2398	244	4:20 p.m. April 28	April 28
	2532	246	4:22 p.m. April 28	April 28
	2294	247	4:24 p.m. April 28	April 28
2137		248	4:24 p.m. April 28	April 28
	2244	249	9:56 p.m. April 28	April 28

Sincerely,
Mark Ritchie
Secretary of State

April 28, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Madam President:

I have vetoed and am returning Chapter 243, Senate File 1694, a bill which would legalize the sale and use of additional kinds of fireworks in Minnesota.

I greatly respect the care with which the legislative authors crafted it, especially their willingness to listen to and incorporate the concerns of people with differing views. Their work is a role model for the legislative process.

Much as I would like to reward their efforts and to satisfy the many Minnesotans who want

greater latitude to buy and use fireworks legally in our state, I cannot do so. Most Minnesotans are responsible enough to ignite and explode those inherently dangerous devices properly and safely. Unfortunately, some are not.

It is government's foremost responsibility to protect the safety and the well-being of its citizens. Sometimes that requires laws, which protect citizens from others. Sometimes, it requires laws to protect people from themselves. In this case, government has the responsibility to do its utmost to protect vulnerable young Minnesotans courageous firefighters and police officers, and innocent bystanders of all ages, who could become victims of someone else's carelessness.

The Minnesota-specific data on fireworks-related injuries and property damage are telling. Prior to 2002, essentially all consumer fireworks were illegal in Minnesota. In 2002, certain types of non-aerial and non-explosive fireworks were legalized. During the ten years prior to the 2002 law change, 350 fireworks-related injuries were reported in Minnesota (an average of 35 per year) during the week prior to and following the July 4th holiday. Since 2002, there have been 790 reported injuries (average of 79 per year) during the same two-week period—a 111 percent increase. Fifty-two percent of injuries over this period were suffered by persons 19 years old and younger and 22 percent were injuries to children nine years old and younger.

Property damage statistics showed a similar trend. In the decade before the 2002 law change, reported property loss from fireworks totaled \$908,530. Since 2002, property damage from fireworks has totaled \$4,564,845—a 500 percent increase. Expanding the array of legally-available fireworks products, particularly to explosive and aerial varieties, can only be expected to exacerbate these statistics.

That is why the bill is opposed by the State Fire Marshall, the Minnesota Commissioner of Public Safety, and the following organizations:

Minnesota Professional Fire Fighters Association

Minnesota Chiefs of Police Association

Minnesota State Fire Chiefs Association

Minnesota Safety Council

Allina Hospitals and Clinics

Children's Hospitals and Clinics

Regions Hospital-Burn Center

American College of Emergency Physicians

Minnesotans for Safe Fireworks

National Fire Protection Association

Minnesota State Fire Departments Association

Minnesota Academy of Ophthalmology

The Mayo Clinic

The Mayo Clinic Health System
League of Minnesota Cities
Association of Minnesota Counties
City of Minneapolis
Insurance Federation of Minnesota
Fire Marshall Association of Minnesota
International Association of Arson Investigators (Minnesota)
Minnesota Safe Kids
Anoka County Safe Kids
Minnesota Ambulance Association
Property of Casual Insurers Association of America
City of Fridley
Minnesota State Trauma Advisory Council
American Academy of Family Physicians
American Academy of Pediatrics
American Association for Hand Surgery
American Academy of Ophthalmology
American Association of Public Health Physicians
American Burn Association
American College of Emergency Physicians
American Society of Plastic Surgeons
American Society for Reconstructive Microsurgery
American Society for Surgery of the Hand
Center for Injury Research and Policy
Emergency Nurses Association
Fire Department Safety Officers Association
International Association of Fire Chiefs
International Association of Fire Fighters
International Fire Marshals Association

Metropolitan Fire Chiefs
National Association of Pediatric Nurse Practitioners
National Association of State Fire Marshals
National Association of School Nurses
National Volunteer Fire Council
Prevent Blindness America

The Minnesota Professional Firefighters wrote me: "Make no mistake - fireworks are exceedingly dangerous to persons, property, and limbs. Our members have fought fires caused by fireworks. They have responded to medical emergencies where children have been disfigured as a result of unexpected explosions. The bottom line is that even well supervised fireworks use is exceedingly dangerous."

The Minnesota Academy of Ophthalmology wrote: "On behalf of the Minnesota Academy of Ophthalmology, representing over 270 eye physicians and surgeons across Minnesota, we are writing to express our concerns with the potential for an increase in the number of serious eye injuries from the further proliferation of dangerous fireworks. Fireworks are by their nature dangerous instruments involving explosions, accelerants and projectiles that have the potential to cause devastating injuries to face and eyes. Please VETO the recently passed legislation."

I hereby veto it.

Sincerely,
Mark Dayton, Governor

Senator Senjem moved that S.F. No. 1694 and the veto message thereon be laid on the table. The motion prevailed.

April 30, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Madam President:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2334, 1597, 2342 and 2535.

Sincerely,
Mark Dayton, Governor

April 30, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Madam President:

I have vetoed and am returning Chapter 256, Senate File 1933, a bill creating a health care compact.

This bill would allow Minnesota to join with a group of other states seeking to "suspend...the operation of all federal laws, rules, regulations, and orders regarding health care...." In exchange for blanket authority to withdraw your participation from federal programs such as Medicare and Medicaid, the bill presumes Minnesota would receive a capped block grant from the federal government, estimated at \$13.5 billion per year. Notably, that amount of money would be frozen, with no future adjustment for changes in the number of Minnesotans who are elderly or who have disabilities.

This bill would be a drastic departure from our current system of shared state and federal responsibility for delivering health care services. It would reverse nearly five decades of federal involvement in health care policy. While certainly not perfect, our current cooperative relationship offers great flexibility to states to operate as laboratories of policy innovation, while satisfying certain basic, minimum federal requirements.

Far beyond any objection to the federal Affordable Care Act, this bill asserts the notion that the federal government has no authority for health policy whatsoever. Furthermore, the bill makes a presumption that the federal government would simply hand over billions of federal dollars to state policymakers, to do what they may, with no restrictions, limitations or oversight.

Regrettably, this Legislature has almost completely ignored the very real opportunity to assert greater control over our health care system by establishing a state-level health insurance exchange. In January, a broad-based Health Insurance Exchange Task Force released a set of recommendations reflecting a balanced, thoughtful approach and the consensus views of its diverse members. Those recommendations laid the foundation for a Minnesota-designed Exchange to provide affordable health insurance to more than one million Minnesotans, including hundreds of thousands of small business employees. One recent, non-partisan analysis estimated a state health insurance exchange would reduce the number of uninsured Minnesotans by 290,000 - almost 60% of our citizens currently without health insurance.

As I have previously stated, genuine and lasting health care reform legislation should be bipartisan, non-ideological, and constructive. This bill fails those prerequisites.

Sincerely,
Mark Dayton, Governor

Senator Senjem moved that S.F. No. 1933 and the veto message thereon be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1755: A bill for an act relating to state government; authorizing certain negotiations to avoid layoffs; amending Minnesota Statutes 2010, section 179A.22, by adding a subdivision.

Senate File No. 1755 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2012

Senator Gazelka moved that the Senate do not concur in the amendments by the House to S.F. No. 1755, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Senator Koenen introduced—

S.F. No. 2622: A bill for an act relating to commerce; weights and measures; requiring metering of motor vehicle fuel delivered to underground storage tanks; proposing coding for new law in Minnesota Statutes, chapter 239.

Referred to the Committee on Commerce and Consumer Protection.

MOTIONS AND RESOLUTIONS

Senator Carlson moved that his name be stricken as chief author and the name of Senator Rosen be added as chief author to S.F. No. 1856. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2555, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2555 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 28, 2012

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2555

A bill for an act relating to state government; implementing changes to the sunset review; changing certain agency requirements; requiring posting of convictions of felonies or gross misdemeanors and malpractice settlements or judgments for a regulated practitioner; requiring certain information on regulated practitioners; requiring a study; prohibiting transfer of certain funds; requiring reports and a financial audit; setting fees; abolishing the Combative Sports Commission and transferring combative sports duties to the commissioner of labor and industry; establishing a Combative Sports Advisory Council; requiring a review of the Minnesota Board of Medical Practice; changing provisions for health-related licensing boards; appropriating money; amending Minnesota Statutes 2010, sections 3.922, by adding a subdivision; 3.9223, subdivision 7; 3.9225, subdivision 7; 3.9226, subdivision 7; 147.01, subdivision 4; 147.111, by adding a subdivision; 148.102, by adding a subdivision; 148.261, subdivision 1; 148.263, by adding a subdivision; 148.5194, subdivision 5; 148.6445, subdivision 10; 148B.07, by adding a subdivision; 148C.095, by adding a subdivision; 148E.285, by adding a subdivision; 150A.13, by adding a subdivision; 153.24, by adding a subdivision; 153A.17; 214.06, subdivisions 1, 1a, by adding a subdivision; 214.09, by adding a subdivision; 214.103; 341.21, by adding a subdivision; 341.28, subdivision 1; 341.37; Minnesota Statutes 2011 Supplement, sections 3D.04; 3D.06; 3D.21, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapters 3D; 16B; 214; 341; repealing Minnesota Statutes 2010, sections 138A.01; 138A.02; 138A.03; 138A.04; 138A.05; 138A.06; 341.21, subdivisions 3, 4a; 341.22; 341.23; 341.24; 341.26.

April 27, 2012

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 2555 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2555 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

SUNSET REVIEW

Section 1. Minnesota Statutes 2011 Supplement, section 3D.04, is amended to read:

3D.04 STAFF; CONTRACTS.

The Legislative Coordinating Commission shall provide staff and administrative services for the commission. The Sunset Advisory Commission may enter into contracts for evaluations of agencies under review.

Sec. 2. Minnesota Statutes 2011 Supplement, section 3D.06, is amended to read:

3D.06 AGENCY REPORT TO COMMISSION.

(a) Before September 1 of the odd-numbered year before the year in which a state agency is subject to sunset review, the agency commissioner shall report to the commission:

- (1) information regarding the application to the agency of the criteria in section 3D.10;
- (2) a ~~priority-based~~ an outcome-based budget for the agency;
- (3) an inventory of all boards, commissions, committees, and other entities related to the agency; and
- (4) any other information that the agency commissioner considers appropriate or that is requested by the commission.

~~The September 1 deadline in this section does not apply in 2011.~~

(b) The outcome-based budget required by paragraph (a) must be for each of the agency's activities, as the term activity is used in state budgeting and must:

- (1) identify the statutory authority for the activity;
- (2) include one or more performance goals and associated performance measures that measure outcomes, not inputs;
- (3) discuss the extent to which each performance measure is reliable and verifiable, and can be accurately measured;
- (4) discuss the extent to which the agency has met each performance measure, and the extent to which the budget devoted to the activity has permitted or prevented the agency from meeting its performance goals;
- (5) discuss efficiencies that would allow the agency to better meet its goals; and
- (6) identify agencies at any level of government or private sector entities that provide the same activities, and describe agency interaction with the activities provided by others.

Sec. 3. Minnesota Statutes 2011 Supplement, section 3D.21, subdivision 2, is amended to read:

Subd. 2. **Group 2.** The following agencies are sunset and, except as provided in section 3D.14, expire on June 30, 2014: Department of Health, Department of Human Services, Department of Human Rights, Department of Education, Board of Teaching, Minnesota Office of Higher Education, Emergency Medical Services Regulatory Board, Council on Affairs of Chicano/Latino People, Council on Black Minnesotans, Council on Asian-Pacific Minnesotans, Indian Affairs Council, and all advisory groups associated with these agencies.

Sec. 4. Minnesota Statutes 2011 Supplement, section 3D.21, subdivision 4, is amended to read:

Subd. 4. **Group 4.** The following agencies are sunset and, except as provided in section 3D.14, expire on June 30, 2018: Department of Corrections, Department of Public Safety, Department of Transportation, Peace Officer Standards and Training Board, Capitol Area Architectural and Planning Board, Amateur Sports Commission, all health-related licensing boards listed in section 214.01, Council on Disability, and all advisory groups associated with these agencies.

Sec. 5. **COUNCIL ON BLACK MINNESOTANS.**

The Office of the Legislative Auditor should conduct a financial audit of the Council on Black Minnesotans by December 1, 2013. In its next report to the Sunset Advisory Commission, the Council on Black Minnesotans must respond to any issues raised in this audit and to issues raised in previous audits.

Sec. 6. **REVIEW OF SUNSET PROCESS.**

The Office of the Legislative Auditor is requested to conduct a review of the sunset process in Minnesota Statutes, chapter 3D. The review should be conducted in 2018. The legislative auditor is requested to present the result of the review in a report to the Legislative Audit Commission and Sunset Advisory Commission.

Sec. 7. **REPEALER.**

Minnesota Statutes 2011 Supplement, section 3D.21, subdivision 1, is repealed.

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

ARTICLE 2

ADMINISTRATIVE PROCEDURES AND FEES

Section 1. Minnesota Statutes 2010, section 3.922, is amended by adding a subdivision to read:

Subd. 11. **Report.** The council shall prepare and submit a report to the governor and legislature by November 15 of each year. The report shall summarize the activities of the council since its last report, list receipts and expenditures, identify the major problems and issues confronting American Indian people, make recommendations to address issues, and list the specific objectives that the council seeks to attain during the biennium. The council shall report on outcome measures.

Sec. 2. Minnesota Statutes 2010, section 3.9223, subdivision 7, is amended to read:

Subd. 7. **Report.** The council shall prepare and ~~distribute~~ submit a report to the governor and legislature by November 15 of each ~~even-numbered~~ year. The report shall summarize the activities of the council since its last report, list receipts and expenditures, identify the major problems and issues confronting Chicano/Latino people, make recommendations to address issues, and list the specific objectives that the council seeks to attain during the next biennium. The council shall report on outcome measures.

Sec. 3. Minnesota Statutes 2010, section 3.9225, subdivision 7, is amended to read:

Subd. 7. **Report.** The council shall prepare and ~~distribute~~ submit a report to the governor and legislature by November 15 of each ~~even-numbered~~ year. The report shall summarize the activities of the council since its last report, list receipts and expenditures, identify the major problems and issues confronting Black people, make recommendations to address issues, and list the specific objectives which the council seeks to attain during the next biennium. The council shall report on outcome measures.

Sec. 4. Minnesota Statutes 2010, section 3.9226, subdivision 7, is amended to read:

Subd. 7. **Report.** The council shall prepare and ~~distribute~~ submit a report to the governor and

legislature by November 15 of each ~~even-numbered~~ year. The report shall summarize the activities of the council since its last report, list receipts and expenditures, identify the major problems and issues confronting Asian-Pacific people, make recommendations to address issues, and list the specific objectives that the council seeks to attain during the next biennium. The council shall report on outcome measures.

Sec. 5. [3D.045] COORDINATION WITH LEGISLATIVE AUDITOR.

To the extent possible, the commission and the Office of the Legislative Auditor shall align their work so that audits and program evaluations conducted by the Office of the Legislative Auditor can inform the work of the commission. The commission may request the Office of the Legislative Auditor to provide updates on financial audits and program evaluations the Office of the Legislative Auditor has prepared on agencies scheduled for Sunset Advisory Commission review.

Sec. 6. [3D.065] REPORT ON PERSONNEL.

By September 1 of the odd-numbered year before the year in which a state agency is subject to sunset review, the commissioner of management and budget must report to the Sunset Advisory Commission on the number of full-time equivalent employees and the salary structure for each agency under review.

Sec. 7. [16B.371] ASSISTANCE TO SMALL AGENCIES.

(a) The commissioner may provide administrative support services to small agencies. To promote efficiency and cost-effective use of state resources, and to improve financial controls, the commissioner may require a small agency to receive administrative support services through the Department of Administration or through another agency designated by the commissioner. Services subject to this section include finance, accounting, payroll, purchasing, human resources, and other services designated by the commissioner. The commissioner may determine what constitutes a small agency for purposes of this section. The commissioner, in consultation with the commissioner of management and budget and small agencies, shall evaluate small agencies' needs for administrative support services. If the commissioner provides administrative support services to a small agency, the commissioner must enter into a service level agreement with the agency, specifying the services to be provided and the costs and anticipated outcomes of the services.

(b) The Chicano Latino Affairs Council, the Council on Black Minnesotans, the Council on Asian-Pacific Minnesotans, the Indian Affairs Council, and the Minnesota State Council on Disability must use the services specified in paragraph (a).

(c) The commissioner of administration may assess agencies for services it provides under this section. The amounts assessed are appropriated to the commissioner.

(d) For agencies covered in this section, the commissioner has the authority to require the agency to comply with applicable state finance, accounting, payroll, purchasing, and human resources policies. The agencies served retain the ownership and responsibility for spending decisions and for ongoing implementation of appropriate business operations.

Sec. 8. Minnesota Statutes 2010, section 147.01, subdivision 4, is amended to read:

Subd. 4. **Disclosure.** Subject to the exceptions listed in this subdivision, all communications or information received by or disclosed to the board relating to any person or matter subject to its

regulatory jurisdiction are confidential and privileged and any disciplinary hearing shall be closed to the public.

(a) Upon application of a party in a proceeding before the board under section 147.091, the board shall produce and permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with the provisions of rule 34, Minnesota Rules of Civil Procedure.

(b) If the board takes corrective action or imposes disciplinary measures of any kind, whether by contested case or by settlement agreement, the name and business address of the licensee, the nature of the misconduct, and the action taken by the board are public data. If disciplinary action is taken by settlement agreement, the entire agreement is public data. The board shall decide disciplinary matters, whether by settlement or by contested case, by roll call vote. The votes are public data.

(c) The board shall exchange information with other licensing boards, agencies, or departments within the state, as required under section 214.10, subdivision 8, paragraph (c), and may release information in the reports required under section 147.02, subdivision 6.

(d) The board shall upon request furnish to a person who made a complaint, or the alleged victim of a violation of section 147.091, subdivision 1, paragraph (t), or both, a description of the activities and actions of the board relating to that complaint, a summary of the results of an investigation of that complaint, and the reasons for actions taken by the board.

(e) A probable cause hearing held pursuant to section 147.092 shall be closed to the public, except for the notices of hearing made public by operation of section 147.092.

(f) Findings of fact, conclusions, and recommendations issued by the administrative law judge, and transcripts of oral arguments before the board pursuant to a contested case proceeding in which an administrative law judge found a violation of section 147.091, subdivision 1, paragraph (t), are public data.

EFFECTIVE DATE. This section is effective for all corrective action taken on or after August 1, 2012.

Sec. 9. Minnesota Statutes 2010, section 147.111, is amended by adding a subdivision to read:

Subd. 10. **Failure to report.** On or after August 1, 2012, any person, health care facility, business, or organization that fails to report as required under subdivisions 2 to 6 shall be subject to civil penalties for failing to report as required by law.

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

Sec. 10. Minnesota Statutes 2010, section 148.102, is amended by adding a subdivision to read:

Subd. 8. **Failure to report.** On or after August 1, 2012, any person or insurer that fails to report as required under subdivisions 2 to 4 shall be subject to civil penalties for failing to report as required by law.

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

Sec. 11. Minnesota Statutes 2010, section 148.261, subdivision 1, is amended to read:

Subdivision 1. **Grounds listed.** The board may deny, revoke, suspend, limit, or condition the license and registration of any person to practice professional, advanced practice registered, or practical nursing under sections 148.171 to 148.285, or to otherwise discipline a licensee or applicant as described in section 148.262. The following are grounds for disciplinary action:

(1) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in sections 148.171 to 148.285 or rules of the board. In the case of a person applying for a license, the burden of proof is upon the applicant to demonstrate the qualifications or satisfaction of the requirements.

(2) Employing fraud or deceit in procuring or attempting to procure a permit, license, or registration certificate to practice professional or practical nursing or attempting to subvert the licensing examination process. Conduct that subverts or attempts to subvert the licensing examination process includes, but is not limited to:

(i) conduct that violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination;

(ii) conduct that violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or

(iii) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.

(3) Conviction ~~during the previous five years~~ of a felony or gross misdemeanor reasonably related to the practice of professional, advanced practice registered, or practical nursing. Conviction as used in this subdivision includes a conviction of an offense that if committed in this state would be considered a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered.

(4) Revocation, suspension, limitation, conditioning, or other disciplinary action against the person's professional or practical nursing license or advanced practice registered nursing credential, in another state, territory, or country; failure to report to the board that charges regarding the person's nursing license or other credential are pending in another state, territory, or country; or having been refused a license or other credential by another state, territory, or country.

(5) Failure to or inability to perform professional or practical nursing as defined in section 148.171, subdivision 14 or 15, with reasonable skill and safety, including failure of a registered nurse to supervise or a licensed practical nurse to monitor adequately the performance of acts by any person working at the nurse's direction.

(6) Engaging in unprofessional conduct, including, but not limited to, a departure from or failure to conform to board rules of professional or practical nursing practice that interpret the statutory definition of professional or practical nursing as well as provide criteria for violations of the statutes, or, if no rule exists, to the minimal standards of acceptable and prevailing professional or practical nursing practice, or any nursing practice that may create unnecessary danger to a patient's life, health, or safety. Actual injury to a patient need not be established under this clause.

(7) Failure of an advanced practice registered nurse to practice with reasonable skill and safety or departure from or failure to conform to standards of acceptable and prevailing advanced practice registered nursing.

(8) Delegating or accepting the delegation of a nursing function or a prescribed health care function when the delegation or acceptance could reasonably be expected to result in unsafe or ineffective patient care.

(9) Actual or potential inability to practice nursing with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as a result of any mental or physical condition.

(10) Adjudication as mentally incompetent, mentally ill, a chemically dependent person, or a person dangerous to the public by a court of competent jurisdiction, within or without this state.

(11) Engaging in any unethical conduct, including, but not limited to, conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient. Actual injury need not be established under this clause.

(12) Engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient, or engaging in sexual exploitation of a patient or former patient.

(13) Obtaining money, property, or services from a patient, other than reasonable fees for services provided to the patient, through the use of undue influence, harassment, duress, deception, or fraud.

(14) Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.

(15) Engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state medical assistance laws.

(16) Improper management of patient records, including failure to maintain adequate patient records, to comply with a patient's request made pursuant to sections 144.291 to 144.298, or to furnish a patient record or report required by law.

(17) Knowingly aiding, assisting, advising, or allowing an unlicensed person to engage in the unlawful practice of professional, advanced practice registered, or practical nursing.

(18) Violating a rule adopted by the board, an order of the board, or a state or federal law relating to the practice of professional, advanced practice registered, or practical nursing, or a state or federal narcotics or controlled substance law.

(19) Knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo.

(20) Aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.

(21) Practicing outside the scope of practice authorized by section 148.171, subdivision 5, 10, 11, 13, 14, 15, or 21.

(22) Practicing outside the specific field of nursing practice for which an advanced practice registered nurse is certified unless the practice is authorized under section 148.284.

(23) Making a false statement or knowingly providing false information to the board, failing to make reports as required by section 148.263, or failing to cooperate with an investigation of the board as required by section 148.265.

(24) Engaging in false, fraudulent, deceptive, or misleading advertising.

(25) Failure to inform the board of the person's certification status as a nurse anesthetist, nurse-midwife, nurse practitioner, or clinical nurse specialist.

(26) Engaging in clinical nurse specialist practice, nurse-midwife practice, nurse practitioner practice, or registered nurse anesthetist practice without current certification by a national nurse certification organization acceptable to the board, except during the period between completion of an advanced practice registered nurse course of study and certification, not to exceed six months or as authorized by the board.

(27) Engaging in conduct that is prohibited under section 145.412.

(28) Failing to report employment to the board as required by section 148.211, subdivision 2a, or knowingly aiding, assisting, advising, or allowing a person to fail to report as required by section 148.211, subdivision 2a.

Sec. 12. Minnesota Statutes 2010, section 148.263, is amended by adding a subdivision to read:

Subd. 7. **Failure to report.** On or after August 1, 2012, any person, institution, insurer, or organization that fails to report as required under subdivisions 2 to 5 shall be subject to civil penalties for failing to report as required by law.

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

Sec. 13. Minnesota Statutes 2010, section 148.5194, subdivision 5, is amended to read:

Subd. 5. ~~Nonrefundable~~ **Use of fees.** All fees are nonrefundable. The commissioner shall only use fees collected under this section for the purposes of administering this chapter. The legislature must not transfer money generated by these fees from the state government special revenue fund to the general fund. Surcharges collected by the commissioner of health under section 16E.22 are not subject to this subdivision.

Sec. 14. Minnesota Statutes 2010, section 148.6445, subdivision 10, is amended to read:

Subd. 10. **Nonrefundable Use of fees.** All fees are nonrefundable. The commissioner shall only use fees collected under this section for the purposes of administering this chapter. The legislature must not transfer money generated by these fees from the state government special revenue fund to the general fund. Surcharges collected by the commissioner of health under section 16E.22 are not subject to this subdivision.

Sec. 15. Minnesota Statutes 2010, section 148B.07, is amended by adding a subdivision to read:

Subd. 10. **Failure to report.** On or after August 1, 2012, any person, institution, insurer, or organization that fails to report as required under subdivisions 2 to 6 shall be subject to civil penalties for failing to report as required by law.

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

Sec. 16. Minnesota Statutes 2010, section 148C.095, is amended by adding a subdivision to read:

Subd. 8. **Failure to report.** On or after August 1, 2012, any person, institution, insurer, or organization that fails to report as required under subdivisions 2 to 5 shall be subject to civil penalties for failing to report as required by law.

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

Sec. 17. Minnesota Statutes 2010, section 148E.285, is amended by adding a subdivision to read:

Subd. 4. **Failure to report.** On or after August 1, 2012, any person, institution, or organization that fails to report as required under subdivisions 1 and 2 shall be subject to civil penalties for failing to report as required by law.

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

Sec. 18. Minnesota Statutes 2010, section 150A.13, is amended by adding a subdivision to read:

Subd. 10. **Failure to report.** On or after August 1, 2012, any person, institution, insurer, or organization that fails to report as required under subdivisions 2 to 6 shall be subject to civil penalties for failing to report as required by law.

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

Sec. 19. Minnesota Statutes 2010, section 153.24, is amended by adding a subdivision to read:

Subd. 8. **Failure to report.** On or after August 1, 2012, any person, institution, or insurer that fails to report as required under subdivisions 2 to 5 shall be subject to civil penalties for failing to report as required by law.

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

Sec. 20. Minnesota Statutes 2010, section 153A.17, is amended to read:

153A.17 EXPENSES; FEES.

(a) The expenses for administering the certification requirements, including the complaint handling system for hearing aid dispensers in sections 153A.14 and 153A.15, and the Consumer Information Center under section 153A.18, must be paid from initial application and examination fees, renewal fees, penalties, and fines. The commissioner shall only use fees collected under this

section for the purposes of administering this chapter. The legislature must not transfer money generated by these fees from the state government special revenue fund to the general fund. Surcharges collected by the commissioner of health under section 16E.22 are not subject to this paragraph.

(b) The fees are as follows:

(1) the initial and annual renewal certification application fee is \$600;

(2) the initial examination fee for the written portion is \$500, and for each time it is taken, thereafter;

(3) the initial examination fee for the practical portion is \$1,200, and \$600 for each time it is taken, thereafter; for individuals meeting the requirements of section 148.515, subdivision 2, the fee for the practical portion of the hearing instrument dispensing examination is \$250 each time it is taken;

(4) the trainee application fee is \$200;

(5) the penalty fee for late submission of a renewal application is \$200; and

(6) the fee for verification of certification to other jurisdictions or entities is \$25.

(c) The commissioner may prorate the certification fee for new applicants based on the number of quarters remaining in the annual certification period.

(d) All fees are nonrefundable. All fees, penalties, and fines received must be deposited in the state government special revenue fund.

(e) Beginning July 1, 2009, until June 30, 2016, a surcharge of \$100 shall be paid at the time of initial certification application or renewal to recover the commissioner's accumulated direct expenditures for administering the requirements of this chapter.

Sec. 21. Minnesota Statutes 2010, section 214.06, subdivision 1, is amended to read:

Subdivision 1. ~~Fee adjustment Fees to recover expenditures. Notwithstanding any law to the contrary, the commissioner of health as authorized by section 214.13, all health-related licensing boards and all non-health-related licensing boards shall by rule, with the approval of the commissioner of management and budget, adjust, as needed, any fee which the commissioner of health or the board is empowered to assess. The commissioner of health as authorized by section 214.13 and all health-related licensing boards and non-health-related licensing boards shall propose or adjust any fee according to section 16A.1283. As provided in section 16A.1285, the adjustment fees shall be an amount sufficient so that the total fees collected by each board will be based on anticipated expenditures, including expenditures for the programs authorized by sections 214.10, 214.103, 214.11, 214.17 to 214.24, 214.28 to 214.37, and 214.40, except that a health-related licensing board may have anticipated expenditures in excess of anticipated revenues in a biennium by using accumulated surplus revenues from fees collected by that board in previous bienniums. A health-related licensing board may accumulate up to one year of operating funds, and then shall propose a fee reduction according to section 16A.1283. A health-related licensing board shall not spend more money than the amount appropriated by the legislature for a biennium. For members of an occupation registered after July 1, 1984, by the commissioner of health under the provisions of~~

section 214.13, the fee established must include an amount necessary to recover, over a five-year period, the commissioner's direct expenditures for adoption of the rules providing for registration of members of the occupation. All fees received shall be deposited in the state treasury.

Sec. 22. Minnesota Statutes 2010, section 214.06, subdivision 1a, is amended to read:

Subd. 1a. **Health occupations licensing account.** (a) Fees received by the commissioner of health or health-related licensing boards must be credited to the health occupations licensing account in the state government special revenue fund. The commissioner of management and budget shall ensure that the revenues and expenditures of each health-related licensing board are tracked separately in the health occupations licensing account.

(b) The fees collected must be used only by the boards identified in section 214.01, subdivision 2, and only for the purposes of the programs they administer. The legislature must not transfer money generated by these fees from the state government special revenue fund to the general fund. Surcharges collected by a health-related licensing board under section 16E.22 are not subject to this subdivision.

Sec. 23. Minnesota Statutes 2010, section 214.06, is amended by adding a subdivision to read:

Subd. 1b. **Health-related licensing boards; surcharges.** When a health-related licensing board imposes a surcharge, the surcharge must not be incorporated as a fee increase, but must be made as a separate assessment to be paid by the individuals regulated by the board.

Sec. 24. **[214.072] HEALTH-RELATED LICENSING BOARDS; WEB SITE.**

(a) Each health-related licensing board, as defined in section 214.01, subdivision 2, and the commissioner of health, as the regulator for occupational therapy practitioners, speech-language pathologists, audiologists, and hearing instrument dispensers, are required to post on its public Web site the name and business address of each regulated individual who has:

(1) a conviction of a felony or gross misdemeanor occurring on or after July 1, 2013, in any state or jurisdiction;

(2) a malpractice judgment occurring on or after July 1, 2013, against the regulated individual in any state or jurisdiction. Information describing judgments shall be developed by the boards and the commissioner, shall be stated in plain English, and shall ensure the public understands the context of actions involving licensees; or

(3) any disciplinary or corrective action or restriction of privileges taken against the individual's license by the commissioner or a state licensing board in this state or in any other state or jurisdiction. The Web site shall identify the basis for disciplinary action, the type of disciplinary action taken, and whether the action was taken by the commissioner or a licensing board in this or another state or the federal government. This clause shall not include any action or restriction imposed through an agreement with a regulated individual and the health professionals services program under sections 214.31 to 214.37.

(b) The information described in this section shall be posted for new licensees issued a license on or after July 1, 2013, and for current licensees upon license renewal occurring on or after July 1, 2013.

EFFECTIVE DATE. This section is effective July 1, 2013.

Sec. 25. [214.073] HEALTH-RELATED LICENSING BOARDS; AUTHORITY.

Each health-related licensing board, as defined in section 214.01, subdivision 2, and the commissioner of health, as the regulator for occupational therapy practitioners, speech-language pathologists, audiologists, and hearing instrument dispensers, shall require an applicant on or after August 1, 2012, to provide the individual's primary business address at the time of initial application and all subsequent renewals.

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

Sec. 26. REPORT; HEALTH-RELATED LICENSING BOARD AND COMMISSIONER OF HEALTH BACKGROUND CHECKS.

The health-related licensing boards and the commissioner of health shall jointly study and make recommendations for establishing uniform criminal history background check requirements applicable to applicants and regulated individuals under their jurisdiction. The study must include procedures for conducting background checks, payment of costs, circumstances under which federal background checks are to be conducted, and the standard to be applied to determine whether a criminal record may disqualify an individual from licensure or a regulated occupation. By January 15, 2013, the boards and the commissioner shall submit a report and draft legislation to the chair and ranking minority member of the senate and house of representatives committees with jurisdiction over health and human services and data practices issues.

Sec. 27. HEALTH-RELATED LICENSING BOARDS REPORTING OBLIGATIONS.

(a) By January 15, 2013, the health-related boards and the commissioner of health, as the regulator for occupational therapy practitioners, speech-language pathologists, audiologists, and hearing instrument dispensers, shall jointly study and submit draft legislation to the Sunset Commission and the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services developing consistent reporting requirements that require institutions, professional societies, other licensed professionals, courts, insurers, and other entities to report conduct constituting grounds for disciplinary action to the respective regulatory entity. The study and draft legislation shall include a self-reporting requirement that requires the licensed individual to report to the respective regulatory entity any action that would require a report to be filed by another specified entity. The study and draft legislation shall also include penalties that may be imposed for failure to report.

(b) Health-related boards with existing statutory reporting obligations shall participate to ensure that the existing reporting requirements are consistent with the recommended requirements and draft legislation.

Sec. 28. SUNSET ADVISORY COMMISSION; DEPARTMENT OF HEALTH REVIEW.

The Sunset Advisory Commission review of the Department of Health in 2013 and 2014 must include an analysis of the extent to which health occupations should be licensed by the Department of Health, and which occupations should be licensed by licensing boards.

Sec. 29. REPORT; INVESTIGATIONS FOR HEALTH-RELATED LICENSING BOARDS.

The health-related licensing boards and the attorney general shall review and make recommendations to the legislature by January 15, 2013, on the respective roles of the boards and the attorney general in conducting investigations of licensees of the health-related licensing boards.

Sec. 30. REPORT; INFORMATION SYSTEMS FOR LICENSING BOARDS.

The commissioner of administration, in conjunction with the health-related licensing boards identified in Minnesota Statutes, section 214.01, and the Office of Enterprise Technology utilizing business rules from the health licensing boards shall report to the legislature by January 15, 2013, the best system for providing electronic licensing, disciplinary, regulatory, and investigative services for the health-related licensing boards. Any costs incurred in preparing this report must be paid from surcharges collected under Minnesota Statutes, section 16E.22.

Sec. 31. REPORT; HEALTH-RELATED LICENSING BOARD FEES.

Each health-related licensing board, as defined in section 214.01, subdivision 2, and the commissioner of health, as the regulator for occupational therapy practitioners, speech-language pathologists, audiologists, and hearing instrument dispensers, shall report to the chair and lead minority member of the senate and house of representatives committees with jurisdiction over health and human services finance by January 15, 2013, on the degree to which fees imposed comply with Minnesota Statutes, sections 214.055 and 214.06, for the health-related licensing boards or Minnesota Statutes, section 144.122, for the commissioner of health. If a board determines that its fees are expected to produce more revenue than needed to recover expenditures during a five-year period, the board must propose reductions in those fees according to section 16A.1283.

Sec. 32. REPORTS; ADMINISTRATIVE SUPPORT SERVICES.

(a) The commissioner of administration shall report to the legislature by January 15, 2013, on use of the SMART program by executive branch agencies.

(b) The administrative services unit of health-related licensing boards shall report to the legislature by January 15, 2013, evaluating use of the units' services by health-related licensing boards.

Sec. 33. MEDICAL PRACTICE ACT; STUDY.

(a) The commissioner of health shall convene a working group to evaluate the state's Medical Practice Act to ensure that it effectively protects the safety and well-being of the citizens of the state and allows transparency. In this evaluation, the working group shall consider practice acts in other states, including conduct that may result in disciplinary action.

(b) The working group shall consist of 15 members, comprised and appointed as follows:

(1) two members of the Board of Medical Practice appointed by the Board of Medical Practice;

(2) two practicing physicians appointed by the Minnesota Medical Association;

(3) two medical educators, one representing the University of Minnesota and appointed by the commissioner of health and one representing the Mayo Clinic and appointed by the commissioner of health;

(4) two senators, one appointed by the subcommittee on committees, and one appointed by the

senate minority leader, and two members of the house of representatives, one appointed by the speaker and one appointed by the house minority leader;

(5) the commissioner of health;

(6) two consumers appointed by the commissioner of health; and

(7) two experts in the field of medical practice appointed by the commissioner of health.

The majority of the working group must be composed of members who have no current or past affiliation with the Board of Medical Practice. For purposes of this section, being licensed by the Board of Medical Practice does not constitute "affiliation."

(c) Compensation for working group members is subject to Minnesota Statutes, section 15.059, subdivision 3, and must be paid from the operating funds of the Board of Medical Practice. The costs incurred by the commissioner of health to convene and support the working group must be paid from the operating funds of the Board of Medical Practice.

(d) The working group must elect a chair from its members.

(e) Meetings of the working group shall be open to the public.

(f) No later than January 1, 2013, the commissioner shall submit the report of the working group and legislation modifying the practice act for consideration during the 2013 legislative session.

(g) The working group expires the day following submission of the report.

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

Sec. 34. BOARD OF MEDICAL PRACTICE REVIEW.

The legislative auditor is requested to conduct a special investigation of the Minnesota Board of Medical Practice and its implementation of the Medical Practice Act. The legislative auditor is requested to submit the results of the investigation to the Legislative Audit Commission, the Sunset Advisory Commission, and the chairs and ranking minority members of the senate and house of representatives policy committees having jurisdiction over the board by January 1, 2013.

Sec. 35. REPEALER.

Minnesota Statutes 2010, sections 138A.01; 138A.02; 138A.03; 138A.04; 138A.05; and 138A.06, are repealed effective the day following final enactment.

ARTICLE 3

TRANSFER OF COMBATIVE SPORTS DUTIES

Section 1. Minnesota Statutes 2010, section 341.21, is amended by adding a subdivision to read:

Subd. 3a. **Commissioner.** "Commissioner" means the commissioner of labor and industry.

Sec. 2. [341.221] ADVISORY COUNCIL.

(a) The commissioner must appoint a Combative Sports Advisory Council to advise the commissioner on the administration of duties under this chapter.

(b) The council shall have nine members appointed by the commissioner. One member must be a retired judge of the Minnesota District Court, Minnesota Court of Appeals, Minnesota Supreme Court, the United States District Court for the District of Minnesota, or the Eighth Circuit Court of Appeals. At least four members must have knowledge of the boxing industry. At least four members must have knowledge of the mixed martial arts industry. The commissioner shall make serious efforts to appoint qualified women to serve on the council.

(c) Council members shall serve terms of four years with the terms ending on the first Monday in January.

(d) The council shall annually elect from its membership a chair.

(e) The commissioner shall convene the first meeting of the council by July 1, 2012. The council shall elect a chair at its first meeting. Thereafter, meetings shall be convened by the commissioner, or by the chair with the approval of the commissioner.

(f) For the first appointments to the council, the commissioner shall appoint the members currently serving on the Combative Sports Commission established under section 341.22, to the council. The commissioner shall designate two of the members to serve until the first Monday in January 2013; two members to serve until the first Monday in January 2014; two members to serve until the first Monday in January 2015; and three members to serve until the first Monday in January 2016.

(g) Removal of members, filling of vacancies, and compensation of members shall be as provided in section 15.059.

Sec. 3. Minnesota Statutes 2010, section 341.23, is amended to read:

341.23 LIMITATIONS.

No member of the ~~commission~~ council may directly or indirectly promote a contest, directly or indirectly engage in the managing of a combatant, or have an interest in any manner in the proceeds from a combative sport contest.

Sec. 4. Minnesota Statutes 2010, section 341.27, is amended to read:

341.27 ~~COMMISSION~~ COMMISSIONER DUTIES.

The ~~commission~~ commissioner shall:

- (1) issue, deny, renew, suspend, or revoke licenses;
- (2) make and maintain records of its acts and proceedings including the issuance, denial, renewal, suspension, or revocation of licenses;
- (3) keep public records of the ~~commission~~ council open to inspection at all reasonable times;
- (4) ~~assist the director in the development of~~ develop rules to be implemented under this chapter;
- (5) conform to the rules adopted under this chapter;
- (6) develop policies and procedures for regulating mixed martial arts; and
- (7) immediately suspend an individual license for a medical condition, including but not

limited to a medical condition resulting from an injury sustained during a match, bout, or contest that has been confirmed by the ringside physician. The medical suspension must be lifted after the commission receives written information from a physician licensed in the home state of the licensee indicating that the combatant may resume competition, and any other information that the commission may by rule require. Medical suspensions are not subject to section 214.10; and

~~(8) evaluate the performance and compensation of the director, including eligibility for salary increases, in keeping with state procedures.~~

Sec. 5. Minnesota Statutes 2010, section 341.271, is amended to read:

341.271 GIFT AUTHORITY.

The ~~commission~~ commissioner may apply for, receive, and expend in its own name grants and gifts of money consistent with the powers and duties specified in section 341.27. The ~~commission~~ commissioner may accept gifts, bequests, grants, payments for services, and other public and private money to help finance the activities of the ~~commission~~ required under this chapter.

Sec. 6. Minnesota Statutes 2010, section 341.28, subdivision 1, is amended to read:

Subdivision 1. **Regulatory authority; combative sports.** ~~All combative sport contests are subject to this chapter. The commission shall, for every combative sport contest:~~

~~(1) direct a commission member to be present; and~~

~~(2) direct the attending commission member to make a written report of the contest.~~

All combative sport contests within this state must be conducted according to the requirements of this chapter.

Sec. 7. Minnesota Statutes 2010, section 341.37, is amended to read:

341.37 APPROPRIATION.

A ~~commission~~ combative sports account is created in the special revenue fund. Money in the account is annually appropriated to the ~~commission~~ commissioner for the purposes of conducting its statutory responsibilities and obligations under this chapter.

Sec. 8. TRANSFER OF DUTIES.

The Combative Sports Commission is abolished. Duties of the commission are transferred to the commissioner of labor and industry. Minnesota Statutes, section 15.039, subdivisions 1 to 6, apply to this transfer. The commissioner of labor and industry may provide that one or more staff of the Combative Sports Commission transfer to the Department of Labor and Industry. No money from the general fund may be used for costs associated with the transfer of functions in this article. The commissioner of labor and industry may charge the combative sports account for indirect costs incurred in other accounts or funds for costs associated with transfer of combative sports functions.

Sec. 9. REVISOR'S INSTRUCTION.

The revisor of statutes shall substitute the term "commissioner" for "commission" in each place the term "commission" appears in Minnesota Statutes, chapter 341.

Sec. 10. **REPEALER.**

Minnesota Statutes 2010, sections 341.21, subdivisions 3 and 4a; 341.22; 341.24; and 341.26, are repealed.

Sec. 11. **EFFECTIVE DATE.**

This article is effective July 1, 2012.

ARTICLE 4

HEALTH BOARDS

Section 1. Minnesota Statutes 2010, section 214.09, is amended by adding a subdivision to read:

Subd. 5. **Health-related boards.** No current member of a health-related licensing board may seek a paid employment position with that board.

Sec. 2. Minnesota Statutes 2010, section 214.103, is amended to read:

214.103 HEALTH-RELATED LICENSING BOARDS; COMPLAINT, INVESTIGATION, AND HEARING.

Subdivision 1. **Application.** For purposes of this section, "board" means "health-related licensing board" and does not include the non-health-related licensing boards. Nothing in this section supersedes section 214.10, subdivisions 2a, 3, 8, and 9, as they apply to the health-related licensing boards.

Subd. 1a. **Notifications and resolution.** (a) No more than 14 calendar days after receiving a complaint regarding a licensee, the board shall notify the complainant that the board has received the complaint and shall provide the complainant with the written description of the board's complaint process. The board shall periodically, but no less than every 120 days, notify the complainant of the status of the complaint consistent with section 13.41.

(b) Except as provided in paragraph (d), no more than 60 calendar days after receiving a complaint regarding a licensee, the board must notify the licensee that the board has received a complaint and inform the licensee of:

- (1) the substance of the complaint;
- (2) the sections of the law that have allegedly been violated;
- (3) the sections of the professional rules that have allegedly been violated; and
- (4) whether an investigation is being conducted.

(c) The board shall periodically, but no less than every 120 days, notify the licensee of the status of the complaint consistent with section 13.41.

(d) Paragraphs (b) and (c) do not apply if the board determines that such notice would compromise the board's investigation and that such notice cannot reasonably be accomplished within this time.

(e) No more than one year after receiving a complaint regarding a licensee, the board must

resolve or dismiss the complaint unless the board determines that resolving or dismissing the complaint cannot reasonably be accomplished in this time and is not in the public interest.

(f) Failure to make notifications or to resolve the complaint within the time established in this subdivision shall not deprive the board of jurisdiction to complete the investigation or to take corrective, disciplinary, or other action against the licensee that is authorized by law. Such a failure by the board shall not be the basis for a licensee's request for the board to dismiss a complaint, and shall not be considered by an administrative law judge, the board, or any reviewing court.

Subd. 2. Receipt of complaint. The boards shall receive and resolve complaints or other communications, whether oral or written, against regulated persons. Before resolving an oral complaint, the executive director or a board member designated by the board to review complaints ~~may shall~~ require the complainant to state the complaint in writing or authorize transcribing the complaint. The executive director or the designated board member shall determine whether the complaint alleges or implies a violation of a statute or rule which the board is empowered to enforce. The executive director or the designated board member may consult with the designee of the attorney general as to a board's jurisdiction over a complaint. If the executive director or the designated board member determines that it is necessary, the executive director may seek additional information to determine whether the complaint is jurisdictional or to clarify the nature of the allegations by obtaining records or other written material, obtaining a handwriting sample from the regulated person, clarifying the alleged facts with the complainant, and requesting a written response from the subject of the complaint.

Subd. 3. Referral to other agencies. The executive director shall forward to another governmental agency any complaints received by the board which do not relate to the board's jurisdiction but which relate to matters within the jurisdiction of another governmental agency. The agency shall advise the executive director of the disposition of the complaint. A complaint or other information received by another governmental agency relating to a statute or rule which a board is empowered to enforce must be forwarded to the executive director of the board to be processed in accordance with this section. Governmental agencies may coordinate and conduct joint investigations of complaints that involve more than one governmental agency.

Subd. 4. Role of the attorney general. The executive director or the designated board member shall forward a complaint and any additional information to the designee of the attorney general when the executive director or the designated board member determines that a complaint is jurisdictional and:

- (1) requires investigation before the executive director or the designated board member may resolve the complaint;
- (2) that attempts at resolution for disciplinary action or the initiation of a contested case hearing is appropriate;
- (3) that an agreement for corrective action is warranted; or
- (4) that the complaint should be dismissed, consistent with subdivision 8.

Subd. 5. Investigation by attorney general. (a) If the executive director or the designated board member determines that investigation is necessary before resolving the complaint, the executive director shall forward the complaint and any additional information to the designee of the attorney

general. The designee of the attorney general shall evaluate the communications forwarded and investigate as appropriate.

(b) The designee of the attorney general may also investigate any other complaint forwarded under subdivision 3 when the designee of the attorney general determines that investigation is necessary.

(c) In the process of evaluation and investigation, the designee shall consult with or seek the assistance of the executive director or the designated board member. The designee may also consult with or seek the assistance of other qualified persons who are not members of the board who the designee believes will materially aid in the process of evaluation or investigation.

(d) Upon completion of the investigation, the designee shall forward the investigative report to the executive director with recommendations for further consideration or dismissal.

Subd. 6. **Attempts at resolution.** (a) At any time after receipt of a complaint, the executive director or the designated board member may attempt to resolve the complaint with the regulated person. The available means for resolution include a conference or any other written or oral communication with the regulated person. A conference may be held for the purposes of investigation, negotiation, education, or conciliation. Neither the executive director nor any member of a board's staff shall be a voting member in any attempts at resolutions which may result in disciplinary or corrective action. The results of attempts at resolution with the regulated person may include a recommendation to the board for disciplinary action, an agreement between the executive director or the designated board member and the regulated person for corrective action, or the dismissal of a complaint. If attempts at resolution are not in the public interest or are not satisfactory to the executive director or the designated board member, then the executive director or the designated board member may initiate a contested case hearing may be initiated.

(1) The designee of the attorney general shall represent the board in all attempts at resolution which the executive director or the designated board member anticipate may result in disciplinary action. A stipulation between the executive director or the designated board member and the regulated person shall be presented to the board for the board's consideration. An approved stipulation and resulting order shall become public data.

(2) The designee of the attorney general shall represent the board upon the request of the executive director or the designated board member in all attempts at resolution which the executive director or the designated board member anticipate may result in corrective action. Any agreement between the executive director or the designated board member and the regulated person for corrective action shall be in writing and shall be reviewed by the designee of the attorney general prior to its execution. The agreement for corrective action shall provide for dismissal of the complaint upon successful completion by the regulated person of the corrective action.

(b) Upon receipt of a complaint alleging sexual contact or sexual conduct with a client, the board must forward the complaint to the designee of the attorney general for an investigation. If, after it is investigated, the complaint appears to provide a basis for disciplinary action, the board shall resolve the complaint by disciplinary action or initiate a contested case hearing. Notwithstanding paragraph (a), clause (2), a board may not take corrective action or dismiss a complaint alleging sexual contact or sexual conduct with a client unless, in the opinion of the executive director, the designated board member, and the designee of the attorney general, there is insufficient evidence to justify disciplinary action.

Subd. 7. **Contested case hearing.** If the executive director or the designated board member determines that attempts at resolution of a complaint are not in the public interest ~~or are not~~ ~~satisfactory to the executive director or the designated board member~~, the executive director or the designated board member, after consultation with the designee of the attorney general, and the concurrence of a second board member, may initiate a contested case hearing under chapter 14. The designated board member or any board member who was consulted during the course of an investigation may participate at the contested case hearing. A designated or consulted board member may not deliberate or vote in any proceeding before the board pertaining to the case.

Subd. 8. **Dismissal and reopening of a complaint.** (a) A complaint may not be dismissed without the concurrence of at least two board members and, upon the request of the complainant, a review by a representative of the attorney general's office. The designee of the attorney general must review before dismissal any complaints which allege any violation of chapter 609, any conduct which would be required to be reported under section 626.556 or 626.557, any sexual contact or sexual conduct with a client, any violation of a federal law, any actual or potential inability to practice the regulated profession or occupation by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental or physical condition, any violation of state medical assistance laws, or any disciplinary action related to credentialing in another jurisdiction or country which was based on the same or related conduct specified in this subdivision.

(b) The board may reopen a dismissed complaint if the board receives newly discovered information that was not available to the board during the initial investigation of the complaint, or if the board receives a new complaint that indicates a pattern of behavior or conduct.

Subd. 9. **Information to complainant.** A board shall furnish to a person who made a complaint a written description of the board's complaint process, and actions of the board relating to the complaint.

Subd. 10. **Prohibited participation by board member.** A board member who has actual bias or a current or former direct financial or professional connection with a regulated person may not vote in board actions relating to the regulated person.

Sec. 3. [214.108] HEALTH-RELATED LICENSING BOARDS; LICENSEE GUIDANCE.

A health-related licensing board may offer guidance to current licensees about the application of laws and rules the board is empowered to enforce. This guidance shall not bind any court or other adjudicatory body.

Sec. 4. [214.109] RECORD KEEPING.

(a) A board may take administrative action against a regulated person whose records do not meet the standards of professional practice. Action taken under this paragraph shall not be considered disciplinary action.

(b) Records that are fraudulent or could result in patient harm may be handled through disciplinary or other corrective action.

ARTICLE 5

APPROPRIATIONS

APPROPRIATIONS
Available for the Year
Ending June 30
2012 **2013**

<u>Section 1. LEGISLATIVE COORDINATING COMMISSION</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>106,000</u>
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This appropriation is from the general fund for staff services or professional contract services for the Sunset Advisory Commission.

The general fund base as established in Laws 2011, First Special Session chapter 10, article 1, section 2, is increased by \$139,000 beginning in fiscal year 2014.

<u>Sec. 2. BOARD OF BEHAVIORAL HEALTH AND THERAPY</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>14,000</u>
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This appropriation is from the state government special revenue fund.

\$12,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

<u>Sec. 3. BOARD OF CHIROPRACTIC EXAMINERS</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>14,000</u>
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This appropriation is from the state government special revenue fund.

\$12,000 is to develop and maintain a

process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

Sec. 4. <u>BOARD OF DENTISTRY</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>32,000</u>
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This appropriation is from the state government special revenue fund.

\$30,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

Sec. 5. <u>BOARD OF DIETETICS AND NUTRITION PRACTICE</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>10,000</u>
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This appropriation is from the state government special revenue fund.

\$8,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to

include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

Sec. 6. BOARD OF MARRIAGE AND FAMILY THERAPY

\$

-0- \$

10,000

This appropriation is from the state government special revenue fund.

\$8,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

Sec. 7. BOARD OF MEDICAL PRACTICE

\$

-0- \$

198,000

This appropriation is from the state government special revenue fund.

\$112,000 is for transfer to the commissioner of health to convene and support the working group evaluating the state's Medical Practice Act. This is a onetime appropriation.

\$9,000 is for board expenses related to the working group evaluating the Medical Practice Act. This is a onetime appropriation.

\$30,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members.

This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

\$45,000 is for transfer to the Office of the Legislative Auditor to conduct an investigation of the Board of Medical Practice.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

Sec. 8. <u>BOARD OF NURSING</u>	<u>\$</u>	<u>-0-</u> \$	<u>123,000</u>
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This appropriation is from the state government special revenue fund.

\$30,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$92,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$92,000 in fiscal years 2014 and 2015.

Sec. 9. <u>BOARD OF NURSING HOME ADMINISTRATORS</u>	<u>\$</u>	<u>-0-</u> \$	<u>100,000</u>
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This appropriation is from the state government special revenue fund.

\$50,000 is for the administrative services unit for a study to make recommendations for establishing uniform criminal history background check requirements for individuals regulated by the health-related

boards. This is a onetime appropriation.

\$15,000 is for the administrative services unit to study and submit proposed legislation to require institutions, professional societies, licensed professionals, insurers and other entities, and courts to report conduct constituting grounds for disciplinary action to the respective regulatory entity. This is a onetime appropriation.

\$15,000 is for the administrative services unit to review and submit to the legislature recommendations on the respective roles of the health-related boards and the attorney general in conducting investigations of licensees of the health-related boards. This is a onetime appropriation.

\$10,000 is for the administrative services unit to evaluate the use of its services by the health-related boards. This is a onetime appropriation.

\$8,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

Sec. 10. **BOARD OF OPTOMETRY**

\$

-0- \$

10,000

This appropriation is from the state government special revenue fund.

\$8,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a

onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

Sec. 11. <u>BOARD OF PHARMACY</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>32,000</u>
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\$30,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

Sec. 12. <u>BOARD OF PHYSICAL THERAPY</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>10,000</u>
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This appropriation is from the state government special revenue fund.

\$8,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund

base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

Sec. 13. **BOARD OF PODIATRIC MEDICINE** \$ -0- \$ 10,000

This appropriation is from the state government special revenue fund.

\$8,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

Sec. 14. **BOARD OF PSYCHOLOGY** \$ -0- \$ 29,000

\$27,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

Sec. 15. **BOARD OF SOCIAL WORK** \$ -0- \$ 14,000

This appropriation is from the state government special revenue fund.

\$12,000 is to develop and maintain a process to post required information about

convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015.

Sec. 16. **BOARD OF VETERINARY MEDICINE** \$ -0- \$ 10,000

This appropriation is from the state government special revenue fund.

\$8,000 is to develop and maintain a process to post required information about convictions, malpractice, and disciplinary or corrective action for the board's members. This is a onetime appropriation.

\$1,000 is for database and Web site changes to include business addresses. This is a onetime appropriation.

\$1,000 is for notification requirements regarding the status of complaints.

The state government special revenue fund base for ongoing activities in this act is \$1,000 in fiscal years 2014 and 2015."

Delete the title and insert:

"A bill for an act relating to state government; implementing changes to the sunset review process and permitting the Sunset Advisory Commission to enter into contracts; requiring a review of the Emergency Medical Services Regulatory Board, Council on Affairs of Chicano/Latino People, Council on Black Minnesotans, Council on Asian-Pacific Minnesotans, Indian Affairs Council, and the Council on Disabilities in 2014; requiring a financial audit of the Council on Black Minnesotans; requiring a review of the sunset process in 2018; changing certain agency requirements; requiring posting of convictions of felonies, gross misdemeanors, malpractice judgements, and disciplinary or corrective actions for a regulated practitioner; requiring a study to establish uniform criminal history background checks for regulated practitioners; requiring a report on conduct constituting grounds for discipline and penalties for failure to report; establishing a work group to evaluate the effectiveness of the Medical Practice Act for certain circumstances; requiring certain other reports; requesting a legislative audit of the Board of Medical Practice; abolishing

the Combative Sports Commission and transferring combative sports duties to the commissioner of labor and industry; establishing a Combative Sports Advisory Council; changing provisions for health-related licensing boards; appropriating money; amending Minnesota Statutes 2010, sections 3.922, by adding a subdivision; 3.9223, subdivision 7; 3.9225, subdivision 7; 3.9226, subdivision 7; 147.01, subdivision 4; 147.111, by adding a subdivision; 148.102, by adding a subdivision; 148.261, subdivision 1; 148.263, by adding a subdivision; 148.5194, subdivision 5; 148.6445, subdivision 10; 148B.07, by adding a subdivision; 148C.095, by adding a subdivision; 148E.285, by adding a subdivision; 150A.13, by adding a subdivision; 153.24, by adding a subdivision; 153A.17; 214.06, subdivisions 1, 1a, by adding a subdivision; 214.09, by adding a subdivision; 214.103; 341.21, by adding a subdivision; 341.23; 341.27; 341.271; 341.28, subdivision 1; 341.37; Minnesota Statutes 2011 Supplement, sections 3D.04; 3D.06; 3D.21, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapters 3D; 16B; 214; 341; repealing Minnesota Statutes 2010, sections 138A.01; 138A.02; 138A.03; 138A.04; 138A.05; 138A.06; 341.21, subdivisions 3, 4a; 341.22; 341.24; 341.26; Minnesota Statutes 2011 Supplement, section 3D.21, subdivision 1."

We request the adoption of this report and repassage of the bill.

House Conferees: Mary Kiffmeyer, Michael V. Nelson

Senate Conferees: Terri E. Bonoff, Theodore J. "Ted" Daley

Senator Bonoff moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2555 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Senator Parry moved that the recommendations and Conference Committee Report on H.F. No. 2555 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

CALL OF THE SENATE

Senator Bonoff imposed a call of the Senate for the balance of the proceedings on H.F. No. 2555. The Sergeant at Arms was instructed to bring in the absent members.

Senator Parry withdrew his motion.

The question recurred on the adoption of the Bonoff motion. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2555 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 47 and nays 19, as follows:

Those who voted in the affirmative were:

Bakk	Carlson	Daley	Eaton	Goodwin
Bonoff	Cohen	Dibble	Fischbach	Harrington
Brown	Dahms	Dziedzic	Gimse	Hayden

Higgins
Ingebrigtsen
Kelash
Koch
Koenen
Langseth
Latz

Lourey
Magnus
Marty
McGuire
Metzen
Michel
Miller

Nelson
Pappas
Pederson
Reinert
Rest
Robling
Rosen

Saxhaug
Senjem
Sheran
Sieben
Skoe
Sparks
Stumpf

Tomassoni
Torres Ray
Wiger
Wolf

Those who voted in the negative were:

Benson
Chamberlain
DeKruif
Gazelka

Gerlach
Hall
Hann
Hoffman

Howe
Jungbauer
Kruse
Limmer

Newman
Nienow
Olson
Ortman

Parry
Thompson
Vandeveer

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Senjem, Chair of the Committee on Rules and Administration, designated H.F. No. 1721 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1721: A bill for an act relating to economic development; authorizing redevelopment demolition loans; eliminating a semiannual report; establishing a small business advocate office in the Business Assistance Center; granting Albert Lea the authority to establish an industrial sewer charge rebate program; amending Minnesota Statutes 2010, sections 116J.555, subdivision 2; 116J.571; 116J.572; 116J.575, by adding a subdivision; 116J.66; proposing coding for new law in Minnesota Statutes, chapter 116J.

Senator Pederson moved to amend H.F. No. 1721, as amended pursuant to Rule 45, adopted by the Senate April 24, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 1441.)

Page 6, after line 3, insert:

"Sec. 10. Minnesota Statutes 2010, section 154.001, is amended by adding a subdivision to read:

Subd. 4. **Comprehensive examination.** "Comprehensive examination" means all parts of a test administered by the board, including but not limited to written, oral, and practical components.

Sec. 11. Minnesota Statutes 2010, section 154.003, is amended to read:

154.003 FEES.

(a) The fees collected, as required in this chapter, chapter 214, and the rules of the board, shall be paid to the board. The board shall deposit the fees in the general fund in the state treasury.

(b) The board shall charge the following fees:

(1) examination and certificate, registered barber, \$85;

- (2) retake of written examination, registered barber, \$10;
- ~~(2)~~ (3) examination and certificate, apprentice, \$80;
- (4) retake of written examination, apprentice, \$10;
- ~~(3)~~ (5) examination, instructor, \$180;
- ~~(4)~~ (6) certificate, instructor, \$65;
- ~~(5)~~ (7) temporary teacher or apprentice permit, \$80;
- ~~(6)~~ (8) renewal of license, registered barber, \$80;
- ~~(7)~~ (9) renewal of license, apprentice, \$70;
- ~~(8)~~ (10) renewal of license, instructor, \$80;
- ~~(9)~~ (11) renewal of temporary teacher permit, \$65;
- ~~(10)~~ (12) student permit, \$45;
- (13) renewal of student permit, \$25;
- ~~(11)~~ (14) initial shop registration, \$85;
- ~~(12)~~ (15) initial school registration, \$1,030;
- ~~(13)~~ (16) renewal shop registration, \$85;
- ~~(14)~~ (17) renewal school registration, \$280;
- ~~(15)~~ (18) restoration of registered barber license, \$95;
- ~~(16)~~ (19) restoration of apprentice license, \$90;
- ~~(17)~~ (20) restoration of shop registration, \$105;
- ~~(18)~~ (21) change of ownership or location, \$55;
- ~~(19)~~ (22) duplicate license, \$40; and
- ~~(20)~~ (23) home study course, ~~\$95~~ \$75;
- (24) letter of license verification, \$25; and
- (25) reinspection, \$100.

Sec. 12. Minnesota Statutes 2010, section 154.02, is amended to read:

154.02 WHAT CONSTITUTES BARBERING.

Any one or any combination of the following practices when done upon the head and neck for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment directly or indirectly or without payment for the public generally constitutes the practice of barbering within the meaning of sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26: to shave the face or neck, trim the beard, cut or bob the

hair of any person of either sex for compensation or other reward received by the person performing such service or any other person; to give facial and scalp massage or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances; to singe, shampoo the hair, or apply hair tonics; or to apply cosmetic preparations, antiseptics, powders, oils, clays, or lotions to hair, scalp, face, or neck.

Sec. 13. Minnesota Statutes 2010, section 154.05, is amended to read:

154.05 WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A REGISTERED BARBER.

A person is qualified to receive a certificate of registration as a registered barber:

- (1) who is qualified under the provisions of section 154.06;
- (2) who has practiced as a registered apprentice for a period of 12 months under the immediate personal supervision of a registered barber; and
- (3) who has passed an examination conducted by the board to determine fitness to practice barbering.

An apprentice applicant for a certificate of registration to practice as a registered barber who fails to pass the comprehensive examination conducted by the board and who fails to pass a onetime retake of the written examination, shall continue to practice as an apprentice for an additional two months 300 hours before being again entitled to take eligible to retake the comprehensive examination for a registered barber as many times as necessary to pass.

Sec. 14. Minnesota Statutes 2010, section 154.06, is amended to read:

154.06 WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A REGISTERED APPRENTICE.

A person is qualified to receive a certificate of registration as a registered apprentice:

- (1) who has completed at least ten grades of an approved school;
- (2) who has graduated from a barber school approved by the a barber board within the previous four years; and
- (3) who has passed an examination conducted by the board to determine fitness to practice as a registered apprentice. An applicant who graduated from a barber school approved by a barber board more than four years prior to application is required to complete a further course of study of at least 500 hours.

An applicant for a an initial certificate of registration to practice as an apprentice, who fails to pass the comprehensive examination conducted by the board, and who fails to pass a onetime retake of the written examination, is required to complete a further course of study of at least 500 hours, of not more than eight hours in any one working day, in a barber school approved by the board before being eligible to retake the comprehensive examination as many times as necessary to pass.

A certificate of registration of an apprentice shall be valid for four years from the date the certificate of registration is issued by the board and shall not be renewed for a fifth year. During

the four-year period the certificate of registration shall remain in full force and effect only if the apprentice complies with all the provisions of sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26, including the payment of an annual fee, and the rules of the board.

If a registered apprentice, during the term in which the certificate of registration is in effect, enters full-time active duty in the armed forces of the United States of America, the expiration date of the certificate of registration shall be extended by a period of time equal to the period or periods of active duty.

If a registered apprentice graduates from a barber school approved by the board and is issued a certificate of registration while incarcerated by the Department of Corrections of the Federal Bureau of Prisons, the expiration date of the certificate of registration shall be extended one time so that it expires four years from the date of first release from a correctional facility.

Sec. 15. Minnesota Statutes 2010, section 154.065, subdivision 2, is amended to read:

Subd. 2. **Qualifications.** A person is qualified to receive a certificate of registration as an instructor of barbering who:

(1) is a graduate ~~from~~ of an approved high school, or its equivalent, as determined by examination by the Department of Education;

(2) ~~has qualified for a teacher's or instructor's vocational certificate; successfully completed vocational instructor training from a board-approved program or accredited college or university program that includes the following courses or their equivalents as determined by the board:~~

- (i) introduction to career and technical education training;
- (ii) philosophy and practice of career and technical education;
- (iii) course development for career and technical education;
- (iv) instructional methods for career and technical education; and
- (v) human relations;

(3) is currently a registered barber and has at least three years experience as a registered barber in this state, or its equivalent as determined by the board; and

(4) has passed an examination conducted by the board to determine fitness to instruct in barbering.

~~A certificate of registration under this section is provisional until a teacher's or instructor's vocational certificate has been issued by the Department of Education. A provisional certificate of registration is valid for 30 days and is not renewable.~~

Sec. 16. Minnesota Statutes 2010, section 154.07, subdivision 1, is amended to read:

Subdivision 1. **Admission requirements; course of instruction.** No barber school shall be approved by the board unless it requires, as a prerequisite to admission, ten grades of an approved school or its equivalent, as determined by an examination conducted by the commissioner of education, which shall issue a certificate that the student has passed the required examination, and

unless it requires, as a prerequisite to graduation, a course of instruction of at least 1,500 hours, of not more than eight hours in any one working day. The course of instruction must include the following subjects: scientific fundamentals for barbering; hygiene; practical study of the hair, skin, muscles, and nerves; structure of the head, face, and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, and glands; massaging and manipulating the muscles of the face and neck; haircutting; shaving; trimming the beard; bleaching, tinting and dyeing the hair; and the chemical waving and straightening of hair.

Sec. 17. Minnesota Statutes 2010, section 154.08, is amended to read:

154.08 APPLICATION; FEE.

Each applicant for an examination shall:

(1) make application to the Board of Barber Examiners on blank forms prepared and furnished by it, the application to contain proof under the applicant's oath of the particular qualifications and identity of the applicant;

(2) ~~furnish to the board two five-inch x three-inch signed photographs of the applicant, one to accompany the application and one to be returned to the applicant, to be presented to the board when the applicant appears for examination~~ provide all documentation required in support of the application; and

(3) pay to the board the required fee; and

(4) present a government-issued photo identification as proof of identity upon application and when the applicant appears for examination.

Sec. 18. Minnesota Statutes 2010, section 154.09, is amended to read:

154.09 EXAMINATIONS, CONDUCT AND SCOPE.

The board shall conduct examinations of applicants for certificates of registration to practice as barbers and apprentices not more than six times each year, at such time and place as the board may determine. Additional written examinations may be scheduled by the board and conducted by board staff as designated by the board. The proprietor of a barber school must file an affidavit ~~shall be filed with the board by the proprietor of a barber school that of hours completed by students applying to take the apprentice examination have completed.~~ Students must complete 1,500 hours in a barber school ~~registered with~~ approved by the board.

The examination of applicants for certificates of registration as barbers and apprentices shall include ~~both~~ a practical demonstration and a written and oral test ~~and embrace~~. The examination must cover the subjects usually taught in barber schools registered with the board.

Sec. 19. Minnesota Statutes 2010, section 154.10, subdivision 1, is amended to read:

Subdivision 1. **Application.** Each applicant for an initial certificate of registration shall make application to the board on forms prepared and furnished by the board with proof under oath of the particular qualifications and identity of each applicant. This application shall be accompanied by a fee prescribed by law or the rules of the board to defray the expenses of making investigation and for the examination of such applicant.

Sec. 20. Minnesota Statutes 2010, section 154.11, subdivision 1, is amended to read:

Subdivision 1. **Examination of nonresidents.** A person who meets all of the requirements for barber registration in sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 and either has a license, certificate of registration, or an equivalent as a practicing barber or instructor of barbering from another state or country which in the discretion of the board has substantially the same requirements for registering barbers and instructors of barbering as required by sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 or can prove by sworn affidavits practice as a barber or instructor of barbering in another state or country for at least five years immediately prior to making application in this state, shall, upon payment of the required fee, be issued a certificate of registration without examination, ~~provided that the other state or country grants the same privileges to holders of Minnesota certificates of registration.~~

Sec. 21. Minnesota Statutes 2010, section 154.12, is amended to read:

154.12 EXAMINATION OF NONRESIDENT APPRENTICES.

A person who meets all of the requirements for registration as a barber in sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 and who has a license, a certificate of registration, or its equivalent as an apprentice in a state or country which in the discretion of the board has substantially the same requirements for registration as an apprentice as is provided by sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26, shall, upon payment of the required fee, be issued a certificate of registration without examination, ~~provided that the other state or country grants the same privileges to holders of Minnesota certificates of registration.~~

Sec. 22. Minnesota Statutes 2010, section 154.14, is amended to read:

154.14 CERTIFICATES OF REGISTRATION AND TEMPORARY PERMITS TO BE DISPLAYED.

Every holder of a certificate of registration as a registered barber or registered apprentice or temporary apprentice permit shall display ~~it~~ the certificate or permit, with a photograph of the certificate or permit holder that meets the same standards as required for a United States passport, in a conspicuous place adjacent to or near the chair where work is performed. Every holder of a certificate of registration as an instructor of barbering or as a barber school, ~~of a temporary permit as an instructor of barbering,~~ shall display the certificate or permit, with a photograph of the certificate or permit holder that meets the same standards as required for a United States passport, in a conspicuous place accessible to the public. Every holder of a certificate of registration as a barber school and of a shop registration card shall display it in a conspicuous place accessible to the public.

Sec. 23. Minnesota Statutes 2010, section 154.15, subdivision 2, is amended to read:

Subd. 2. **Effect of failure to renew.** A registered barber or a registered apprentice who has not renewed a certificate of registration may be reinstated within ~~one year~~ four years of such failure to renew without examination upon the payment of the required restoration fee for each year the certificate is lapsed. A registered instructor of barbering who has not renewed a certificate of registration may be reinstated within ~~three~~ four years of such failure to renew without examination

upon payment of the required restoration fee for each year the certificate is lapsed. All registered barbers and registered apprentices who allow their certificates of registration to lapse for more than ~~one year~~ four years shall be required to reexamine before being issued a certificate of registration. All registered instructors of barbering who allow their certificates of registration to lapse for more than ~~three~~ four years shall be required to reexamine before being issued a certificate of registration. A barber shop owner who has not renewed the barber shop certificate for more than one year may reinstate the barber shop registration upon payment of the restoration fee for each year the shop card was lapsed. If lapsed or unlicensed status is discovered by the barber inspector during inspection, penalties under section 154.162 shall apply.

Sec. 24. **[154.162] ADMINISTRATIVE PENALTIES.**

The board shall impose and collect the following penalties:

(1) missing or lapsed shop registration discovered upon inspection; penalty imposed on shop owner: \$500;

(2) unlicensed or unregistered apprentice or registered barber, first occurrence discovered upon inspection; penalty imposed on shop owner and unlicensed or unregistered individual: \$500; and

(3) unlicensed or unregistered apprentice or registered barber, second occurrence discovered upon inspection; penalty imposed on shop owner and unlicensed or unregistered individual: \$1,000.

Sec. 25. Minnesota Statutes 2010, section 154.26, is amended to read:

154.26 MUNICIPALITIES MAY REGULATE HOURS; REGULATION AUTHORIZED.

The governing body of any city of this state may regulate by ordinance the opening and closing hours of barber shops within its municipal limits in addition to all other applicable local regulations.

Sec. 26. **[154.27] MISREPRESENTATION.**

No person shall represent themselves to the public, solicit business, advertise as a licensed barber or as operating a licensed barber shop, use the title or designation of barber or barber shop, engage in any other act or practice that would create the impression to members of the public that the person is a licensed barber or is operating a licensed barber shop unless the person holds the appropriate license under this chapter.

Sec. 27. **[154.28] SYMBOLS; BARBER POLE.**

No person shall place a barber pole in a location that would create or tend to create the impression to the public that the business is a barber shop unless the operator holds a valid license under this chapter. For the purposes of this section, "barber pole" means a red and white or red, white, and blue striped vertical cylinder commonly recognized as a barber pole.

Sec. 28. Laws 2011, First Special Session chapter 4, article 1, section 11, is amended to read:

			257,000
Sec. 11. BOARD OF BARBER EXAMINERS	\$	257,000	\$ <u>287,000"</u>

Amend the title accordingly

Senator Higgins questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Skoe moved to amend H.F. No. 1721, as amended pursuant to Rule 45, adopted by the Senate April 24, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 1441.)

Page 6, after line 3, insert:

"Sec. 10. Minnesota Statutes 2010, section 452.25, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For purposes of this section:

(a) "City" means a statutory or home rule charter city, section 410.015 to the contrary notwithstanding.

(b) "Cooperative association" means a cooperative association organized under chapter 308A.

(c) "Governing body" means (1) the city council in a city that operates a municipal utility, or (2) a board, commission, or body empowered by law, city charter, or ordinance or resolution of the city council to control and operate the municipal utility.

(d) "Investor-owned utility" means an entity that provides utility services to the public under chapter 216B and that is owned by private persons.

(e) "Municipal power agency" means an organization created under sections 453.51 to 453.62.

(f) "Municipal utility" means a utility owned, operated, or controlled by a city to provide utility services.

(g) "Public utility" or "utility" means a provider of electric, gas, or water facilities or services or an entity engaged in other similar or related operations authorized by law or charter.

Sec. 11. Minnesota Statutes 2010, section 452.25, subdivision 3, is amended to read:

Subd. 3. **Authority.** (a) Upon the approval of its elected utilities commission or, if there be none, its city council, a municipal utility may enter into a joint venture with other municipal utilities, municipal power agencies, cooperative associations, ~~or~~ investor-owned utilities, or federally recognized Indian tribes to provide utility services. Retail electric utility services provided by a joint venture must be within the boundaries of each utility's exclusive electric service territory as shown on the map of service territories maintained by the department of commerce. The terms and conditions of the joint venture are subject to ratification by the governing bodies of the respective utilities and may include the formation of a corporate or other separate legal entity with an administrative and governance structure independent of the respective utilities.

(b) A corporate or other separate legal entity, if formed:

(1) has the authority and legal capacity and, in the exercise of the joint venture, the powers, privileges, responsibilities, and duties authorized by this section;

(2) is subject to the laws and rules applicable to the organization, internal governance, and activities of the entity;

(3) in connection with its property and affairs and in connection with property within its control, may exercise any and all powers that may be exercised by a natural person or a private corporation or other private legal entity in connection with similar property and affairs;

(4) a joint venture that does not include an investor-owned utility may elect to be deemed a municipal utility or a cooperative association for purposes of chapter 216B or other federal or state law regulating utility operations; and

(5) for a joint venture that includes an investor-owned utility, the commission has authority over the activities, services, and rates of the joint venture, and may exercise that authority, to the same extent the commission has authority over the activities, services, and rates of the investor-owned utility itself.

(c) Any corporation, if formed, must comply with section 465.719, subdivisions 9, 10, 11, 12, 13, and 14. The term "political subdivision," as it is used in section 465.719, shall refer to the city council of a city.

Sec. 12. Minnesota Statutes 2010, section 452.25, subdivision 5, is amended to read:

Subd. 5. **Powers.** (a) A joint venture under this section has the powers, privileges, responsibilities, and duties of the separate utilities entering into the joint venture as the joint venture agreement may provide, including the powers under paragraph (c), except that:

(1) with respect to retail electric utility services, a joint venture shall not enlarge or extend the service territory served by the joint venture by virtue of the authority granted in sections 216B.44, 216B.45, and 216B.47;

(2) a joint venture may extend service to an existing connected load of 2,000 kilowatts or more, pursuant to section 216B.42, when the load is outside of the assigned service area of the joint venture, or of the electric utilities party to the joint venture, only if the load is already being served by one of the electric utilities party to the joint venture; and

(3) a privately owned utility, as defined in section 216B.02, may extend service to an existing connected load of 2,000 kilowatts or more, pursuant to section 216B.42, when the load is located within the assigned service territory of the joint venture, or of the electric utilities party to the joint venture, only if the load is already being served by that privately owned utility.

(b) The limitations of paragraph (a), clauses (1) to (3), do not apply if written consent to the action is obtained from the electric utility assigned to and serving the affected service territory or connected load.

(c) Joint venture powers include, but are not limited to, the authority to:

(1) finance, own, acquire, construct, and operate facilities necessary to provide utility services to retail customers of the joint venture, including generation, transmission, storage and distribution facilities, and like facilities used in other utility services;

(2) combine assigned service territories, in whole or in part, upon notice to, hearing by, and approval of the public utilities commission;

(3) serve customers in the utilities' service territories or in the combined service territory;

(4) combine, share, or employ administrative, managerial, operational, or other staff if combining or sharing will not degrade safety, reliability, or customer service standards;

(5) provide for joint administrative functions, such as meter reading and billings;

(6) purchase or sell utility services at wholesale for resale to customers;

(7) provide conservation programs, other utility programs, and public interest programs, such as cold weather shutoff protection and conservation spending programs, as required by law and rule; and

(8) participate as the parties deem necessary in providing utility services with other municipal utilities, cooperative utilities, investor-owned utilities, federally recognized Indian tribes, or other entities, public or private.

(d) Notwithstanding any contrary provision within this section, a joint venture formed under this section may engage in wholesale utility services unless the municipal utility, municipal power agency, cooperative association, ~~or investor-owned utility~~, or federally recognized Indian tribe party to the joint venture is prohibited under current law from conducting that activity; but, in any case, the joint venture may provide wholesale services to a municipal utility, a cooperative association, ~~or an investor-owned utility~~, or a federally recognized Indian tribe that is party to the joint venture.

(e) This subdivision does not limit the authority of a joint venture to exercise powers of eminent domain for other utility purposes to the same extent as is permitted of those utilities party to the joint venture.

Sec. 13. Minnesota Statutes 2010, section 452.25, subdivision 6, is amended to read:

Subd. 6. **Construction.** (a) The powers conferred by this section are in addition to the powers conferred by other law or charter. A joint venture under this section, and a municipal utility with respect to any joint venture under this section, have the powers necessary to effect the intent and purpose of this section, including, but not limited to, the expenditure of public funds and the transfer of real or personal property in accordance with the terms and conditions of the joint venture and the joint venture agreement. This section is complete in itself with respect to the formation and operation of a joint venture under this section and with respect to a municipal utility, a cooperative association, or an investor-owned utility party to a joint venture related to their creation of and dealings with the joint venture, without regard to other laws or city charter provisions that do not specifically address or refer to this section or a joint venture created under this section.

(b) This section must not be construed to supersede or modify:

(1) the power of a city council conferred by charter to overrule or override any action of a governing body other than the actions of the joint venture;

(2) chapter 216B;

(3) any referendum requirements applicable to the creation of a new electric utility by a municipality under section 216B.46 or 216B.465; or

(4) any powers, privileges, or authority or any duties or obligations of a municipal utility, municipal power agency, ~~or cooperative association~~, or federally recognized Indian tribe acting as a separate legal entity without reference to a joint venture created under this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1721 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Kelash	Miller	Saxhaug
Bonoff	Gerlach	Koch	Nelson	Sheran
Brown	Gimse	Koenen	Newman	Sieben
Carlson	Goodwin	Kruse	Nienow	Skoe
Chamberlain	Hall	Langseth	Olson	Sparks
Cohen	Hann	Latz	Ortman	Stumpf
Dahms	Harrington	Limmer	Pappas	Thompson
Daley	Hayden	Lourey	Parry	Tomassoni
DeKruif	Higgins	Magnus	Pederson	Torres Ray
Dibble	Hoffman	Marty	Reinert	Vanderveer
Dziedzic	Howe	McGuire	Rest	Wiger
Eaton	Ingebrigtsen	Metzen	Robling	Wolf
Fischbach	Jungbauer	Michel	Rosen	

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

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Senator Limmer moved that the report from the Committee on Judiciary and Public Safety, reported February 2, 2012, pertaining to the appointment of the Commissioner of Human Rights, be taken from the table. The motion prevailed.

Senator Limmer moved that the foregoing report be now adopted. The motion prevailed.

Senator Limmer moved that in accordance with the report from the Committee on Judiciary and Public Safety, reported February 2, 2012, the Senate, having given its advice, do now consent to and confirm the appointment of:

COMMISSIONER OF HUMAN RIGHTS

Kevin M. Lindsey, 1947 Dayton Ave., Saint Paul, Ramsey County, effective March 2, 2011, for a term expiring on January 5, 2015.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Michel moved that the report from the Committee on Jobs and Economic Growth, reported February 15, 2012, pertaining to the appointment of the Commissioner of the Minnesota Housing Finance Agency, be taken from the table. The motion prevailed.

Senator Michel moved that the foregoing report be now adopted. The motion prevailed.

Senator Michel moved that in accordance with the report from the Committee on Jobs and Economic Growth, reported February 15, 2012, the Senate, having given its advice, do now consent to and confirm the appointment of:

COMMISSIONER OF THE MINNESOTA HOUSING FINANCE AGENCY

Mary Tingerthal, 1490 Mississippi River Blvd., Saint Paul, Ramsey County, effective February 1, 2011, for a term expiring on January 5, 2015.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Parry moved that the report from the Committee on State Government Innovation and Veterans, reported March 29, 2012, pertaining to appointments to the Gambling Control Board, be taken from the table. The motion prevailed.

Senator Parry moved that the foregoing report be now adopted. The motion prevailed.

Senator Parry moved that in accordance with the report from the Committee on State Government Innovation and Veterans, reported March 29, 2012, the Senate, having given its advice, do now consent to and confirm the appointment of:

GAMBLING CONTROL BOARD

Geno Fragnito, 563 Mariner Way, Woodbury, Washington County, effective July 19, 2010, for a term expiring on June 30, 2014.

William Gillespie, 1996 E. Cty. Rd. D, #219, Maplewood, Ramsey County, effective July 1, 2011, for a term expiring on June 30, 2015.

Susan McCarville, 58 Harrison Ave. S., Hopkins, Hennepin County, effective July 19, 2010, for a term expiring on June 30, 2014.

Norman Pint, 6525 W. 270th St., New Prague, Scott County, effective July 1, 2011, for a term expiring on June 30, 2015.

Gary Sigfrinius, 1317 - 18th Ave. S.E., Forest Lake, Washington County, effective July 19, 2010, to complete a term expiring on June 30, 2012.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Parry moved that the report from the Committee on State Government Innovation and Veterans, reported March 29, 2012, pertaining to appointments to the Minnesota Racing Commission, be taken from the table. The motion prevailed.

Senator Parry moved that the foregoing report be now adopted. The motion prevailed.

Senator Parry moved that in accordance with the report from the Committee on State Government Innovation and Veterans, reported March 29, 2012, the Senate, having given its

advice, do now consent to and confirm the appointment of:

MINNESOTA RACING COMMISSION

Dan Erhart, 4120 - 115th Ave. N.W., Coon Rapids, Anoka County, effective July 1, 2011, for a term expiring on June 30, 2017.

Camille McArdle, 6451 - 177th St., Hugo, Washington County, effective July 1, 2011, for a term expiring on June 30, 2017.

David Roe, 15738 Fremont Way, Apple Valley, Dakota County, effective July 1, 2011, for a term expiring on June 30, 2017.

Mark A. Urista, 18831 Bison St. N.W., Anoka, Anoka County, effective August 4, 2010, to complete a term expiring on June 30, 2015.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Hoffman moved that her be stricken as a co-author to S.F. No. 1402. The motion prevailed.

Senator Wolf moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Jungbauer be added as chief author to S.F. No. 1402. The motion prevailed.

RECESS

Senator Robling moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

MEMBERS EXCUSED

Senator Lillie was excused from the Session of today.

ADJOURNMENT

Senator Hayden moved that the Senate do now adjourn until 1:00 p.m., Tuesday, May 1, 2012. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

