

FIFTY-THIRD DAY

St. Paul, Minnesota, Thursday, May 9, 2013

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

CALL OF THE SENATE

Senator Bakk 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. Dennis Morreim.

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:

Anderson	Dziedzic	Ingebrigtsen	Nienow	Senjem
Bakk	Eaton	Jensen	Ortman	Sheran
Benson	Eken	Johnson	Osmek	Sieben
Bonoff	Fischbach	Kent	Pappas	Skoe
Brown	Franzen	Kiffmeyer	Pederson, J.	Sparks
Carlson	Gazelka	Latz	Petersen, B.	Stumpf
Chamberlain	Goodwin	Limmer	Pratt	Thompson
Champion	Hall	Lourey	Reinert	Tomassoni
Clausen	Hann	Marty	Rest	Torres Ray
Cohen	Hawj	Metzen	Rosen	Weber
Dahle	Hayden	Miller	Saxhaug	Westrom
Dahms	Hoffman	Nelson	Scalze	Wiger
Dibble	Housley	Newman	Schmit	Wiklund

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 communication was received.

April 30, 2013

The Honorable Sandra L. Pappas
President of the Senate

Dear Senator Pappas:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA INSURANCE MARKETPLACE BOARD

Thompson Aderinkomi, 721 Quincy St. N.E., Minneapolis, in the county of Hennepin, effective May 5, 2013, for a term expiring on January 5, 2015.

Peter Benner, 7650 Cahill Ave., Inver Grove Heights, in the county of Dakota, effective May 5, 2013, for a term expiring on January 2, 2017.

Brian Beutner, 810 Westwood Dr. S., Golden Valley, in the county of Hennepin, effective May 5, 2013, for a term expiring on January 5, 2015.

Kathryn Duevel, 2199 - 49th St. N.E., Willmar, in the county of Kandiyohi, effective May 5, 2013, for a term expiring on January 4, 2016.

Thomas Forsythe, 200 Park Ave. #045, Minneapolis, in the county of Hennepin, effective May 5, 2013, for a term expiring on January 4, 2016.

Phillip Norrgard, 927 Trettel Land, Cloquet, in the county of Carlton, effective May 5, 2013, for a term expiring on January 2, 2017.

(Referred to the Committee on Commerce.)

Sincerely,
Mark Dayton, Governor

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 523.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 8, 2013

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1136.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 8, 2013

Madam President:

I have the honor to announce the following change in the membership of the Conference Committee on Senate File No. 1589:

Delete the name of Bernardy and add the name of Persell.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 9, 2013

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 92:

H.F. No. 92: A bill for an act relating to employment; regulating the minimum wage; modifying overtime and parental leave provisions; amending Minnesota Statutes 2012, sections 177.24, subdivision 1, by adding a subdivision; 177.25, subdivisions 1, 3, 5, by adding a subdivision; 181.941, subdivision 1; 181.943; repealing Minnesota Rules, part 5200.0080, subpart 7.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Winkler, Metsa and Poppe have been appointed as such committee on the part of the House.

House File No. 92 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 9, 2013

Senator Eaton moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 92, 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.

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 1136: A bill for an act relating to health; modifying provisions for businesses regulated by the Board of Pharmacy; amending Minnesota Statutes 2012, sections 151.19, subdivisions 1, 3; 151.37, subdivision 4; 151.47, subdivision 1, by adding a subdivision; 151.49; proposing coding for new law in Minnesota Statutes, chapter 151; repealing Minnesota Statutes 2012, sections 151.19, subdivision 2; 151.25; 151.45; 151.47, subdivision 2; 151.48.

Senator Bakk moved that H.F. No. 1136 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Senator Nienow requested that the report on S.F. No. 778 be divided out.

Senator Bakk moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 778. The motion prevailed.

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 1644: A bill for an act relating to higher education; appropriating money for grants for diabetes prevention, treatment, and cure.

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

Page 1, line 6, delete "\$5,000,000" and insert "\$500,000" and delete "\$5,000,000" and insert "\$500,000"

Page 1, line 15, after the period, insert "This is a one time appropriation."

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

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 1014: A bill for an act relating to human services; modifying provisions related to the Minnesota sex offender program; requiring a public education campaign; modifying the Civil Commitment Act; amending Minnesota Statutes 2012, sections 253B.18, subdivisions 4b, 4c; 253B.185, subdivisions 1, 9, 10, 11, 11a, 11b, 12, 14, 14a, 15, 17, 18, by adding subdivisions; 253B.19, subdivisions 2, 3, by adding a subdivision; 609.485, subdivision 2.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

**STRICT AND INTENSIVE SUPERVISION AND TREATMENT AND PUBLIC
EDUCATION CAMPAIGN**

Section 1. **STRICT AND INTENSIVE SUPERVISION AND TREATMENT.**

The commissioner of human services shall ensure a regimen of treatment that provides strict and intensive supervision and treatment (SIST) for individuals civilly committed under Minnesota Statutes, section 253B.185, who are court-ordered to strict and intensive supervision and treatment or placed on provisional discharge. The SIST must meet public safety requirements as specified by the commissioners of human services, public safety, and corrections, and ensure the safety of the public while meeting the treatment needs of the civilly committed population. The commissioner shall use the information resulting from the January 2013 request for information to determine existing capacity for a range of options for SIST that are effective and appropriate and allows progression. The commissioner shall contract with existing providers to provide SIST.

Sec. 2. **EDUCATION RELATING TO SEX OFFENDER CIVIL COMMITMENT PROCEDURAL CHANGES.**

The commissioner of human services, in partnership with the ombudsman for mental health and developmental disabilities, shall develop and provide education to judges and court staff, county attorneys and other lawyers, and court-appointed examiners about the civil commitment procedural changes under article 2 and the strict and intensive supervision and treatment under section 1.

Sec. 3. **PUBLIC EDUCATION CAMPAIGN.**

The commissioner of human services shall develop a public education campaign informing the general public about the 2012 class action lawsuit relating to the Minnesota sex offender program (MSOP), the court's rulings, including the order from the court establishing the sex offender civil commitment advisory task force and the work of the task force, and the response by the legislature resulting in the legislation in this bill. The public education campaign must be a statewide effort to educate Minnesotans on the process of civilly committing sex offenders and the emerging policy in response to the court's decisions, and related issues.

Sec. 4. **EFFECTIVE DATE.**

This article is effective July 1, 2013. The commissioner of human services shall implement this article as soon as practicable.

ARTICLE 2

CIVIL COMMITMENT MODIFICATIONS

Section 1. Minnesota Statutes 2012, section 246B.10, is amended to read:

246B.10 LIABILITY OF COUNTY; REIMBURSEMENT.

The civilly committed sex offender's county shall pay to the state a portion of the cost of care provided in by or through the Minnesota sex offender program to a civilly committed sex offender who has legally settled in that county. Cost of care includes care, housing, and supervision provided to a civilly committed sex offender who is placed on strict and intensive supervision and treatment or provisional discharge. A county's payment must be made from the county's own sources of revenue and payments must equal 25 percent of the cost of care, as determined by the commissioner, for each day or portion of a day, that the civilly committed sex offender spends at the a Minnesota sex offender program facility or on strict and intensive supervision and treatment or provisional discharge. If payments received by the state under this chapter exceed 75 percent of the cost of care, the county is responsible for paying the state the remaining amount. The county is not entitled to reimbursement from the civilly committed sex offender, the civilly committed sex offender's estate, or from the civilly committed sex offender's relatives, except as provided in section 246B.07. For purposes of this section, cost of care begins after the order for commitment under section 253B.185, subdivision 1, paragraph (c).

Sec. 2. Minnesota Statutes 2012, section 253B.18, subdivision 4c, is amended to read:

Subd. 4c. **Special review board.** (a) The commissioner shall establish one or more panels of a special review board. The board shall consist of three members experienced in the field of mental illness. One member of each special review board panel shall be a psychiatrist and one member shall be an attorney. No member shall be affiliated with the Department of Human Services. The special review board shall meet at least every six months and at the call of the commissioner. It shall hear and consider all petitions for a reduction in custody or to appeal a revocation of provisional discharge. A "reduction in custody" means transfer from a secure treatment facility, discharge, and provisional discharge. Patients may be transferred by the commissioner between secure treatment facilities without a special review board hearing.

Members of the special review board shall receive compensation and reimbursement for expenses as established by the commissioner.

(b) A petition filed by a person committed as mentally ill and dangerous to the public under this section must be heard as provided in subdivision 5 and, as applicable, subdivision 13. A petition filed by a person committed as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185, or committed as both mentally ill and dangerous to the public under this section and as a sexual psychopathic personality or as a sexually dangerous person must be heard as provided in section 253B.185, subdivision 9 253B.19, subdivision 2, paragraph (b); and subdivision 2a.

Sec. 3. Minnesota Statutes 2012, section 253B.185, subdivision 1, is amended to read:

Subdivision 1. **Commitment generally.** (a) Except as otherwise provided in this section, the provisions of this chapter pertaining to persons who are mentally ill and dangerous to the public apply with like force and effect to persons who are alleged or found to be sexually dangerous persons or persons with a sexual psychopathic personality. For purposes of this section, "sexual psychopathic personality" includes any individual committed as a "psychopathic personality" under Minnesota Statutes 1992, section 526.10.

(b) Before commitment proceedings are instituted, the facts shall first be submitted to the county attorney, who, if satisfied that good cause exists, will prepare the petition. The county attorney may request a prepetition screening report. The petition is to be executed by a person having knowledge of the facts and filed with the district court of the county of financial responsibility or the county where the patient is present. If the patient is in the custody of the commissioner of corrections, the petition may be filed in the county where the conviction for which the person is incarcerated was entered.

(c) Upon the filing of a petition alleging that a proposed patient is a sexually dangerous person or is a person with a sexual psychopathic personality, the court shall hear the petition as provided in section 253B.18, except that section 253B.18, subdivisions 2 and 3, shall not apply sections 253B.07 and 253B.08.

If the court finds by clear and convincing evidence that the proposed patient is a sexually dangerous person or is a person with a sexual psychopathic personality, the court shall commit the person to the commissioner to place in a secure treatment facility for evaluation and proposed disposition. The Minnesota sex offender program is not required to provide sex offender treatment to the person until after the court's disposition order.

(d) In commitments under this section, the court shall commit the patient to a secure treatment facility unless the patient establishes by clear and convincing evidence that a less restrictive treatment program is available that is consistent with the patient's treatment needs and the requirements of public safety. Within 60 days following commitment and receipt of the patient, a qualified person or persons designated by the commissioner shall evaluate the patient, consider possible dispositions, and file a written disposition report with the committing court. If the person is in the custody of the commissioner of corrections when the commitment is ordered under paragraph (c), the written disposition report must be filed no later than 60 days after the person is admitted to the secure treatment facility. However, the commissioner may perform part or all of the evaluation, including providing the disposition report to the court, before the person is received by the commissioner. The commissioner may request that the court grant an extension of the 60-day deadline, which may be granted for good cause after opportunity for objection by the patient and the county attorney. The disposition report must recommend whether the person should be placed on strict and intensive supervision and treatment or in a secure treatment facility. If the recommendation is for placement on strict and intensive supervision and treatment, the report must specifically describe the conditions that the program determines would be best suited to meet the person's treatment needs and the requirements of public safety. Within 30 days after receiving the disposition report, unless otherwise agreed by the parties, the court shall hold a hearing to make a final determination as to the appropriate disposition of the case. If the disposition report recommends placement on strict and intensive supervision and treatment, either party or the court may request the court examiners to address the sufficiency and conditions of the plan.

(e) Between the time of the commitment order under paragraph (c) and the court's disposition order under paragraph (d), with the agreement of the committed person the person may be held in a Department of Corrections facility according to the provisions of section 253B.045, subdivision 1a, even though the person is not under a judicial hold order under section 253B.07, subdivision 2b or 7. During any time the person is confined in a Department of Corrections facility under this paragraph, the county's responsibility for costs of confinement shall not exceed 25 percent, and the Department of Human Services shall reimburse the Department of Corrections for the remaining 75 percent.

(e) (f) At the time of commitment, the court shall provide the commissioner copies of the court-appointed examiners' reports and the exhibits admitted in the case. Upon request of the evaluator, the county attorney shall provide copies of records gathered by the county attorney for purposes of the case. Upon request, the evaluator is entitled to promptly obtain records and data regarding the committed person from the Department of Corrections, a probation or parole agency, and a program or provider that has provided sex offender or mental health evaluation or treatment to the committed person.

(g) A person committed under this section is not eligible for and shall not receive a pass. Section 253B.18, subdivisions 4a and 4b, do not apply to a person committed under this section.

(h) After a final determination that a patient is a sexually dangerous person or sexual psychopathic personality, the court shall order commitment for an indeterminate period of time and the patient shall be transferred, provisionally discharged, or discharged, only as provided in this section.

Sec. 4. Minnesota Statutes 2012, section 253B.185, is amended by adding a subdivision to read:

Subd. 1c. **Strict and intensive supervision and treatment.** (a) If a specific plan for strict and intensive supervision and treatment is proposed in the disposition report or by the committed person, the court shall commit the person to strict and intensive supervision and treatment, unless the petitioner proves by a preponderance of the evidence that the plan is not sufficient to meet the person's treatment needs or the requirements of public safety. If no specific plan is presented, or if the court determines that no plan that is proposed is sufficient, the court shall commit the person to a secure treatment facility.

(b) If the court finds that strict and intensive supervision and treatment is appropriate, the court shall notify the Minnesota sex offender program, which must prepare a plan that identifies the treatment and services for the patient, including recommendations regarding the conditions of strict and intensive supervision and treatment. The plan must be presented to the court for its approval within 60 days after the court finds that strict and intensive supervision and treatment is appropriate, unless the program or the patient requests additional time to develop the plan and the court determines there is good cause to allow an extension for a specified period.

(c) An order for strict and intensive supervision and treatment places the patient in the custody and control of the commissioner of human services for the provision of treatment, services, and supervision under the Minnesota sex offender program and the patient is subject to the conditions set by the court and the program, which must ensure the safety of the public while meeting the treatment needs of the civilly committed patient.

(d) If the program determines that a patient under this subdivision has violated a condition under paragraph (c) or is exhibiting behavior that may be dangerous to self or others or that the

interests of public safety require that strict and intensive supervision and treatment placement be revoked, the program may, using the procedures in subdivisions 15, paragraphs (b) and (c); and 16, revoke the patient's placement on strict and intensive supervision and treatment and place the patient in a secure treatment facility. The patient may appeal the revocation using the procedures in subdivision 17, except that appeal is to the committing court. If the committing court determines that a condition of the strict and intensive supervision and treatment placement has been violated or that the safety of the patient or others requires that the strict and intensive supervision and treatment placement be revoked, the court shall affirm the revocation of the strict and intensive supervision and treatment placement and order an appropriate commitment placement under this section. The court may also, after notice to the parties and opportunity for hearing, reinstate the person on strict and intensive supervision under modified conditions the court determines are sufficient to satisfy the person's treatment needs and the requirements of public safety. If the court finds there was no violation and that the safety of the committed person or others does not require that the strict and intensive supervision be revoked, it shall reverse the revocation and order that the strict and intensive supervision placement be reinstated.

(e) This subdivision does not affect or replace any applicable registration requirements under section 243.166 or notice requirements under sections 244.052 and 244.053.

Sec. 5. Minnesota Statutes 2012, section 253B.185, is amended by adding a subdivision to read:

Subd. 9a. **Biennial review.** (a) Within 24 months after the date of the disposition order under subdivision 1c, paragraph (a), and after that time at least once each 24 months, the commissioner shall arrange for an examination of the committed person. The director of the evaluation unit under subdivision 9b shall appoint an examiner to perform the examination. The director shall establish procedures to provide that the committed person will have a role in choosing the examiner from the evaluation unit to conduct the examination, by objecting to a particular examiner or using another method adopted by the director. The director shall establish procedures to allow the committed person to retain an additional examiner at the person's expense or to request the appointment of an additional examiner by the judicial appeal panel. Compensation for an appointed examiner who is not part of the evaluation unit shall be determined by the judicial appeal panel.

(b) An examiner conducting an examination under paragraph (a) shall prepare a written report of the examination no later than 30 days after the date of the examination. The report must examine and assess the patient's:

(1) progress toward treatment goals;

(2) risk to the public; and

(3) suitability for an alternative placement that balances the patient's continued treatment needs and public safety. The examiner shall provide a copy of the report to the county attorneys of the committing county and the county of financial responsibility, the commissioner, and the judicial appeal panel.

(c) Notwithstanding paragraph (a), the judicial appeal panel may order an examination of the person at any time during the period in which the person is subject to the commitment order. The examination must be conducted pursuant to this subdivision.

(d) At any examination under paragraph (a), the executive clinical director of the Minnesota sex offender program shall prepare a treatment progress report. The executive clinical director shall

provide a copy of the treatment progress report to the commissioner. The treatment progress report must consider all of the following:

(1) the specific factors associated with the person's risk for committing another sexually violent offense;

(2) whether the person has made significant progress in treatment or has refused treatment;

(3) the ongoing treatment needs of the person; and

(4) any specialized needs or conditions associated with the person that must be considered in future treatment planning.

(e) Examiners under paragraph (a) and the executive clinical director under paragraph (d) must have reasonable access to the person for purposes of examination, to the person's past and present treatment and supervision records, and to the person's health care records.

(f) The commissioner shall submit a biennial report comprised of the examination report under paragraph (a) and the treatment progress report under paragraph (d) to the judicial appeal panel. A copy of the biennial report must be placed in the person's treatment records. The commissioner shall provide a copy of the biennial report to the patient and the county attorneys of the committing county and the county of financial responsibility. The panel shall provide a copy of the biennial report to the patient's attorney as soon as the attorney is retained or appointed.

(g) If a person committed under this section is incarcerated for a new criminal charge or conviction, any reporting requirement under paragraph (a), (d), or (f) does not apply during the incarceration period. The judicial appeal panel may order an examination of the person under paragraph (c) if the panel finds an examination is necessary. The required reports are due 24 months after the person is returned to the custody and control of the commissioner of human services under the Minnesota sex offender program.

(h) Failure to complete or file any required report within the specified time period does not affect the validity of the person's continuing commitment.

Sec. 6. Minnesota Statutes 2012, section 253B.185, is amended by adding a subdivision to read:

Subd. 9b. **Evaluation unit for biennial reviews.** The commissioner shall create an evaluation unit to perform the periodic reviews provided by subdivision 9a, paragraph (a). The commissioner shall designate a person as the "director" of the unit for purposes of that provision, and shall employ a sufficient number of qualified persons to perform the examinations. Such persons must meet the definition of "examiner" in section 253B.02, subdivision 7, clause (1) or (2), and must have specific training in evaluating risk of re-offense among sex offenders and have experience in the treatment, diagnosis, or management of sex offenders. The commissioner shall provide training for the examiners to ensure the quality and promote the uniformity of the examinations. The training shall include risk assessment, evaluation of efficacy and progress in sex offender treatment, types of strict and intensive supervision and treatment options available, the supervision that would be available to persons placed on strict and intensive supervision and treatment, and other matters determined appropriate by the commissioner. Members of the evaluation unit must be free to exercise independent professional judgment without pressure or retaliation for the exercise of that judgment from any source.

Sec. 7. Minnesota Statutes 2012, section 253B.185, subdivision 10, is amended to read:

Subd. 10. **Victim notification of petition and release; right to submit statement.** (a) As used in this subdivision:

(1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes criminal sexual conduct in the fifth degree and offenses within the definition of "crime against the person" in section 253B.02, subdivision 4a, and also includes offenses listed in section 253B.02, subdivision 7a, paragraph (b), regardless of whether they are sexually motivated;

(2) "victim" means a person who has incurred loss or harm as a result of a crime, the behavior for which forms the basis for a commitment under this section or section 253B.18; and

(3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved, and findings in commitment cases under this section or section 253B.18, that an act or acts constituting a crime occurred.

(b) A county attorney who files a petition to commit a person under this section shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition.

(c) Before provisionally discharging, discharging, ~~granting pass-eligible status, approving a pass plan,~~ or otherwise permanently or temporarily releasing a person committed under this section from a treatment facility, the head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the ~~head of the treatment facility or designee~~ judicial appeal panel, or special review board; with respect to the person. To the extent possible, the notice must be provided at least 14 days before any ~~special review board~~ judicial appeal panel hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4.

(d) This subdivision applies only to victims who have requested notification through the Department of Corrections electronic victim notification system, or by contacting, in writing, the county attorney in the county where the conviction for the crime occurred or where the civil commitment was filed or, following commitment, the head of the treatment facility. A request for notice under this subdivision received by the commissioner of corrections through the Department of Corrections electronic victim notification system shall be promptly forwarded to the prosecutorial authority with jurisdiction over the offense to which the notice relates or, following commitment, the head of the treatment facility. A county attorney who receives a request for notification under this paragraph following commitment shall promptly forward the request to the commissioner of human services.

(e) Rights under this subdivision are in addition to rights available to a victim under chapter 611A. This provision does not give a victim all the rights of a "notified person" or a person "entitled to statutory notice" under subdivision 12 or 13 or section 253B.18, subdivision 4a, 4b, or 5.

Sec. 8. Minnesota Statutes 2012, section 253B.185, subdivision 11, is amended to read:

Subd. 11. **Transfer.** (a) A patient who is committed as a sexually dangerous person or sexual psychopathic personality shall not be transferred out of a secure treatment facility unless it appears to the satisfaction of the judicial appeal panel, ~~after a hearing and recommendation by a majority of the special review board~~; that the transfer is appropriate. Transfer may be to other treatment programs under the commissioner's control.

(b) The following factors must be considered in determining whether a transfer is appropriate:

- (1) the person's clinical progress and present treatment needs;
- (2) the need for security to accomplish continuing treatment;
- (3) the need for continued institutionalization;
- (4) which facility can best meet the person's needs; and
- (5) whether transfer can be accomplished with a reasonable degree of safety for the public.

Sec. 9. Minnesota Statutes 2012, section 253B.185, subdivision 11a, is amended to read:

Subd. 11a. **Transfer; voluntary readmission to a secure facility.** (a) After a patient has been transferred out of a secure facility pursuant to subdivision 11 and with the consent of the executive director of the Minnesota sex offender program, a patient may voluntarily return to a secure facility operated by the Minnesota sex offender program for a period of up to 60 days.

(b) If the patient is not returned to the facility to which the patient was originally transferred pursuant to subdivision 11 within 60 days of being readmitted to a secure facility, the transfer is revoked and the patient shall remain in a secure facility. The patient shall immediately be notified in writing of the revocation.

(c) Within 15 days of receiving notice of the revocation, the patient may petition the ~~special review board~~ judicial appeal panel for a review of the revocation. The ~~special review board~~ judicial appeal panel shall review the circumstances of the revocation and shall ~~recommend to the judicial appeal panel~~ determine whether or not the revocation shall be upheld. The ~~special review board~~ judicial appeal panel may also ~~recommend~~ order a new transfer at the time of the revocation hearing.

(d) If the transfer has not been revoked and the patient is to be returned to the facility to which the patient was originally transferred pursuant to subdivision 11, with no substantive change to the conditions of the transfer ordered pursuant to subdivision 11, no action by the ~~special review board~~ or judicial appeal panel is required.

Sec. 10. Minnesota Statutes 2012, section 253B.185, subdivision 11b, is amended to read:

Subd. 11b. **Transfer; revocation.** (a) The executive director of the Minnesota sex offender program or designee may revoke a transfer made pursuant to subdivision 11 and require a patient to return to a secure treatment facility if:

(1) remaining in a nonsecure setting will not provide a reasonable degree of safety to the patient or others; or

(2) the patient has regressed in clinical progress so that the facility to which the patient was transferred is no longer sufficient to meet the patient's needs.

(b) Upon the revocation of the transfer, the patient shall be immediately returned to a secure treatment facility. A report documenting reasons for revocation shall be issued by the executive director or designee within seven days after the patient is returned to the secure treatment facility. Advance notice to the patient of the revocation is not required.

(c) The patient must be provided a copy of the revocation report and informed, orally and in writing, of the rights of a patient under this subdivision. The revocation report shall be served upon the patient and the patient's counsel. The report shall outline the specific reasons for the revocation including, but not limited to, the specific facts upon which the revocation recommendation is based.

(d) A patient whose transfer is revoked must successfully re-petition the ~~special review board~~ and judicial appeal panel prior to being transferred out of a secure facility.

(e) Any patient aggrieved by a transfer revocation decision may petition the ~~special review board~~ judicial appeal panel within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation report for a review of the revocation. The matter shall be scheduled within 30 days. The ~~special review board~~ judicial appeal panel shall review the circumstances leading to the revocation and, after considering the factors in subdivision 11, paragraph (b), shall ~~recommend to the judicial appeal panel~~ determine whether or not the revocation shall be upheld. The ~~special review board~~ judicial appeal panel may also ~~recommend~~ order a new transfer out of a secure facility at the time of the revocation hearing.

Sec. 11. Minnesota Statutes 2012, section 253B.185, subdivision 12, is amended to read:

Subd. 12. **Provisional discharge.** A patient who is committed as a sexual psychopathic personality or sexually dangerous person shall not be provisionally discharged unless it appears to the satisfaction of the judicial appeal panel, ~~after a hearing and a recommendation by a majority of the special review board~~, that the patient is capable of making an acceptable adjustment to open society.

The following factors are to be considered in determining whether a provisional discharge shall be ~~recommended~~ granted:

(1) whether the patient's course of treatment and present mental status indicate there is no longer a need for treatment and supervision in the patient's current treatment setting; and

(2) whether the conditions of the provisional discharge plan will provide a reasonable degree of protection to the public and will enable the patient to adjust successfully to the community.

Sec. 12. Minnesota Statutes 2012, section 253B.185, subdivision 14, is amended to read:

Subd. 14. **Provisional discharge; review.** A provisional discharge pursuant to this section shall not automatically terminate. A full discharge shall occur only as provided in subdivision 18. The commissioner shall notify the patient that the terms of a provisional discharge continue unless the patient requests and is granted a change in the conditions of provisional discharge or unless the patient petitions the ~~special review board~~ judicial appeal panel for a full discharge and the discharge is granted ~~by the judicial appeal panel~~.

Sec. 13. Minnesota Statutes 2012, section 253B.185, subdivision 14a, is amended to read:

Subd. 14a. **Provisional discharge; voluntary readmission.** (a) With the consent of the executive director of the Minnesota sex offender program, a patient may voluntarily return to the Minnesota sex offender program from provisional discharge for a period of up to 60 days.

(b) If the patient is not returned to provisional discharge status within 60 days of being readmitted to the Minnesota sex offender program, the provisional discharge is revoked. The patient shall immediately be notified of the revocation in writing. Within 15 days of receiving notice of the revocation, the patient may request a review of the matter before the ~~special review board~~ judicial appeal panel. The ~~special review board~~ judicial appeal panel shall review the circumstances of the revocation and, after applying the standards in subdivision 15, paragraph (a), shall ~~recommend to the judicial appeal panel~~ determine whether or not the revocation shall be upheld. The ~~board~~ judicial appeal panel may recommend order a return to provisional discharge status.

(c) If the provisional discharge has not been revoked and the patient is to be returned to provisional discharge, the Minnesota sex offender program is not required to petition for a further review by the ~~special review board~~ judicial appeal panel unless the patient's return to the community results in substantive change to the existing provisional discharge plan.

Sec. 14. Minnesota Statutes 2012, section 253B.185, subdivision 15, is amended to read:

Subd. 15. **Provisional discharge; revocation.** (a) The head of the treatment facility may revoke a provisional discharge if either of the following grounds exist:

- (1) the patient has departed from the conditions of the provisional discharge plan; or
- (2) the patient is exhibiting behavior which may be dangerous to self or others.

(b) The head of the treatment facility may revoke the provisional discharge and, either orally or in writing, order that the patient be immediately returned to the treatment facility. A report documenting reasons for revocation shall be issued by the head of the treatment facility within seven days after the patient is returned to the treatment facility. Advance notice to the patient of the revocation is not required.

(c) The patient must be provided a copy of the revocation report and informed, orally and in writing, of the rights of a patient under this section. The revocation report shall be served upon the patient, the patient's counsel, and the designated agency. The report shall outline the specific reasons for the revocation, including but not limited to the specific facts upon which the revocation recommendation is based.

(d) An individual who is revoked from provisional discharge must successfully re-petition the ~~special review board~~ and judicial appeal panel prior to being placed back on provisional discharge.

Sec. 15. Minnesota Statutes 2012, section 253B.185, subdivision 17, is amended to read:

Subd. 17. **Appeal.** Any patient aggrieved by a revocation decision or any interested person may petition the ~~special review board~~ judicial appeal panel within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation report for a review of the revocation. The matter shall be scheduled within 30 days. The ~~special review board~~ judicial appeal panel shall review the circumstances leading to the revocation and shall ~~recommend to the judicial appeal panel~~ determine whether or not the revocation shall be upheld. The ~~special review board~~ judicial appeal panel may also recommend order a new provisional discharge at the time of the revocation hearing.

Sec. 16. Minnesota Statutes 2012, section 253B.185, subdivision 18, is amended to read:

Subd. 18. **Discharge.** A patient who is committed as a sexual psychopathic personality or sexually dangerous person shall not be discharged unless it appears to the satisfaction of the judicial appeal panel, ~~after a hearing and recommendation by a majority of the special review board,~~ that the patient is capable of making an acceptable adjustment to open society, is no longer dangerous to the public, and is no longer in need of inpatient treatment and supervision.

In determining whether a discharge shall be recommended, the ~~special review board and~~ judicial appeal panel shall consider whether specific conditions exist to provide a reasonable degree of protection to the public and to assist the patient in adjusting to the community. If the desired conditions do not exist, the discharge shall not be granted.

Sec. 17. Minnesota Statutes 2012, section 253B.19, subdivision 2, is amended to read:

Subd. 2. **Petition; hearing.** (a) A person committed as mentally ill and dangerous to the public under section 253B.18, or the county attorney of the county from which the person was committed or the county of financial responsibility, may petition the judicial appeal panel for a rehearing and reconsideration of a decision by the commissioner under section 253B.18, subdivision 5. The judicial appeal panel must not consider petitions for relief other than those considered by the commissioner from which the appeal is taken. The petition must be filed with the Supreme Court within 30 days after the decision of the commissioner is signed. The hearing must be held within 45 days of the filing of the petition unless an extension is granted for good cause.

(b) ~~A person committed as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185, or committed as both mentally ill and dangerous to the public under section 253B.18 and as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185; the county attorney of the county from which the person was committed or the county of financial responsibility; or the commissioner may petition the judicial appeal panel for a rehearing and reconsideration of a decision of the special review board under section 253B.185, subdivision 9. The petition must be filed with the Supreme Court within 30 days after the decision is mailed by the commissioner as required in section 253B.185, subdivision 9, paragraph (f). The hearing must be held within 180 days of the filing of the petition unless an extension is granted for good cause. If no party petitions the judicial appeal panel for a rehearing or reconsideration within 30 days, the judicial appeal panel shall either issue an order adopting the recommendations of the special review board or set the matter on for a hearing pursuant to this paragraph.~~

(c) For an appeal under paragraph (a) ~~or (b)~~, the Supreme Court shall refer the petition to the chief judge of the judicial appeal panel. The chief judge shall notify the patient, the county attorney of the county of commitment, the designated agency, the commissioner, the head of the treatment facility, any interested person, and other persons the chief judge designates, of the time and place of the hearing on the petition. The notice shall be given at least 14 days prior to the date of the hearing.

~~(d)~~ (c) In an appeal under paragraph (a), any person may oppose the petition. The patient, the patient's counsel, the county attorney of the committing county or the county of financial responsibility, and the commissioner shall participate as parties to the proceeding pending before the judicial appeal panel and shall, ~~except when the patient is committed solely as mentally ill and dangerous, no later than 20 days before the hearing on the petition, inform the judicial appeal panel and the opposing party in writing whether they support or oppose the petition and provide a summary of facts in support of their position.~~

(d) The judicial appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The patient, the patient's counsel, and the county attorney of the committing county or the county of financial responsibility have the right to be present and may present and cross-examine all witnesses and offer a factual and legal basis in support of their positions. The petitioning party seeking discharge or provisional discharge bears the burden of going forward with the evidence, which means presenting a prima facie case with competent evidence to show that the person is entitled to the requested relief. If the petitioning party has met this burden, the party opposing discharge or provisional discharge bears the burden of proof by clear and convincing evidence that the discharge or provisional discharge should be denied. A party seeking transfer under section 253B.18, subdivision 6, ~~or 253B.185, subdivision 11~~, must establish by a preponderance of the evidence that the transfer is appropriate.

Sec. 18. Minnesota Statutes 2012, section 253B.19, is amended by adding a subdivision to read:

Subd. 2a. Receipt of biennial report. (a) Within 28 days after the commissioner submits a biennial report under section 253B.185, subdivision 9a, the patient or the patient's attorney may file supplemental written argument, affidavits, and exhibits, which must be served on the county attorney. Within 14 days of the service of supplemental documents by the patient or the patient's attorney, the county attorney of the committing county or county of financial responsibility may file and serve a written response.

(b) Within 60 days after receiving the biennial report, the judicial appeal panel shall determine whether to set the matter for a hearing. A hearing must be conducted unless the judicial appeal panel determines that the biennial report and any supplemental documents fail to present a prima facie case with competent evidence that the patient is entitled to transfer out of a secure treatment facility, a provisional discharge, or discharge from commitment. The judicial appeal panel shall allow the executive director to request a hearing at any time. The judicial appeal panel may, in its discretion, require a hearing at any time for good cause.

(c) If a hearing is ordered under paragraph (b), the hearing must be held within 180 days after the order, unless an extension is granted for good cause. The patient, the patient's counsel, and the county attorney of the committing county or the county of financial responsibility shall participate as parties to the proceeding pending before the judicial appeal panel and shall, no later than 20 days before the hearing on the petition, inform the judicial appeal panel and the opposing party in writing whether they support or oppose transfer, provisional discharge, or discharge, and provide a summary of facts in support of their position. The judicial appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The patient, the patient's counsel, and the county attorney of the committing county or the county of financial responsibility have the right to be present and may present and cross-examine all witnesses and offer a factual and legal basis in support of their positions. The party opposing discharge or provisional discharge bears the burden of proof by clear and convincing evidence that the discharge or provisional discharge should be denied. A party seeking transfer under section 253B.185, subdivision 11, must establish by a preponderance of the evidence that the transfer is appropriate.

(d) The provisions of this subdivision apply to individuals committed under section 253B.185 and individuals committed under both sections 253B.18 and 253B.185. The procedures in section 253B.185, subdivision 10, for victim notification and right to submit a statement apply to hearings

under this subdivision. A hearing under this subdivision is considered to be a commitment proceeding under section 8.01.

Sec. 19. Minnesota Statutes 2012, section 253B.19, subdivision 3, is amended to read:

Subd. 3. **Decision.** A majority of the judicial appeal panel shall rule upon the petition under subdivision 2, paragraph (a), or upon the review of a biennial report or hearing under subdivision 2a. The panel shall consider the petition de novo. The order of the judicial appeal panel shall supersede an order of the commissioner under section 253B.18, subdivision 5. No order of the judicial appeal panel granting a transfer, discharge or provisional discharge shall be made effective sooner than 15 days after it is issued.

In a hearing under subdivision 2, the panel may not consider petitions for relief other than those considered by the commissioner or special review board from which the appeal is taken. The judicial appeal panel may not grant a transfer or provisional discharge on terms or conditions that were not presented to the commissioner or the special review board.

Sec. 20. Minnesota Statutes 2012, section 609.485, subdivision 2, is amended to read:

Subd. 2. **Acts prohibited.** Whoever does any of the following may be sentenced as provided in subdivision 4:

(1) escapes while held pursuant to a lawful arrest, in lawful custody on a charge or conviction of a crime, or while held in lawful custody on an allegation or adjudication of a delinquent act;

(2) transfers to another, who is in lawful custody on a charge or conviction of a crime, or introduces into an institution in which the latter is confined, anything usable in making such escape, with intent that it shall be so used;

(3) having another in lawful custody on a charge or conviction of a crime, intentionally permits the other to escape;

(4) escapes while in a facility designated under section 253B.18, subdivision 1, pursuant to a court commitment order after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a. Notwithstanding section 609.17, no person may be charged with or convicted of an attempt to commit a violation of this clause;

(5) escapes while in or under the supervision of a facility or authority designated under section 246B.01, subdivision 2a; 246B.02; 253B.18, subdivision 1; 253B.185, subdivision 1, paragraph (d); 253B.185, subdivision 1c; or Minnesota Statutes 1992, section 526.10;

(6) escapes while on pass status or provisional discharge according to section 253B.18 or 253B.185; or

(7) escapes while a civilly committed sex offender in the Minnesota sex offender program as defined in section 246B.01, subdivision 1a, or subject to a court hold order under section 253B.185.

For purposes of clauses (1) and (7), "escapes while held in lawful custody" or "escapes while a civilly committed sex offender in the Minnesota sex offender program" includes absconding from electronic monitoring or removing an electronic monitoring device from the person's body.

Sec. 21. **APPROPRIATION.**

\$875,000 in fiscal year 2014 and \$1,149,000 in fiscal year 2015 are appropriated from the general fund to the commissioner of human services to implement the provisions of this act. The base for this appropriation is \$1,149,000 in fiscal year 2016 and \$1,289,000 in fiscal year 2017.

Sec. 22. **REPEALER.**

Minnesota Statutes 2012, section 253B.185, subdivision 9, is repealed effective August 1, 2013.

Sec. 23. **EFFECTIVE DATE; APPLICATION.**

(a) Except as otherwise provided in this section, this article is effective August 1, 2013.

(b) Article 2, sections 3 and 4, apply only to petitions for civil commitment filed on or after August 1, 2013.

(c) Petitions for a reduction in custody filed under Minnesota Statutes, section 253B.185, subdivision 9, before August 1, 2013, will continue to proceed under the laws and procedures in effect on July 31, 2013.

(d) Notwithstanding the requirements of section 5 (Minnesota Statutes, section 253B.185, subdivision 9a), the biennial report required under that section applies to patients with pending petitions no sooner than 12 months after the final disposition of a petition for reduction in custody that was filed before August 1, 2013.

(e) For persons civilly committed on petitions filed before August 1, 2013, and who are otherwise eligible for a biennial review, the commissioner may initiate the biennial review based on either the first commitment anniversary date after August 1, 2014, or the second anniversary date after August 1, 2014.

(f) Section 20 is effective August 1, 2013, and applies to crimes committed on or after that date.

Sec. 24. **REVISOR'S INSTRUCTION.**

The revisor shall codify sections and amendments in this act consistent with the recodification of statutory sections providing for civil commitment of sexually dangerous persons and persons with sexual psychopathic personalities in H.F. No. 947, if enacted this legislative session."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "appropriating money;"

Amend the title numbers accordingly

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

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

H.F. No. 228 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
228	614				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 228 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 228, the first engrossment; and insert the language after the enacting clause of S.F. No. 614, the first engrossment; further, delete the title of H.F. No. 228, the first engrossment; and insert the title of S.F. No. 614, the first engrossment.

And when so amended H.F. No. 228 will be identical to S.F. No. 614, and further recommends that H.F. No. 228 be given its second reading and substituted for S.F. No. 614, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 854 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
854	695				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 854 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 854, the first engrossment; and insert the language after the enacting clause of S.F. No. 695; further, delete the title of H.F. No. 854, the first engrossment; and insert the title of S.F. No. 695.

And when so amended H.F. No. 854 will be identical to S.F. No. 695, and further recommends that H.F. No. 854 be given its second reading and substituted for S.F. No. 695, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 956 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
956	901				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 956 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 956, the fourth engrossment; and insert the language after the enacting clause of S.F. No. 901, the second engrossment; further, delete

the title of H.F. No. 956, the fourth engrossment; and insert the title of S.F. No. 901, the second engrossment.

And when so amended H.F. No. 956 will be identical to S.F. No. 901, and further recommends that H.F. No. 956 be given its second reading and substituted for S.F. No. 901, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1000 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1000	1011				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1000 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1000, the third engrossment; and insert the language after the enacting clause of S.F. No. 1011, the second engrossment; further, delete the title of H.F. No. 1000, the third engrossment; and insert the title of S.F. No. 1011, the second engrossment.

And when so amended H.F. No. 1000 will be identical to S.F. No. 1011, and further recommends that H.F. No. 1000 be given its second reading and substituted for S.F. No. 1011, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 894 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
894	677				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 894 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 894, the fifth engrossment; and insert the language after the enacting clause of S.F. No. 677, the second engrossment; further, delete the title of H.F. No. 894, the fifth engrossment; and insert the title of S.F. No. 677, the second engrossment.

And when so amended H.F. No. 894 will be identical to S.F. No. 677, and further recommends that H.F. No. 894 be given its second reading and substituted for S.F. No. 677, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1112 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1112	1030				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1112 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1112, the first engrossment; and insert the language after the enacting clause of S.F. No. 1030; further, delete the title of H.F. No. 1112, the first engrossment; and insert the title of S.F. No. 1030.

And when so amended H.F. No. 1112 will be identical to S.F. No. 1030, and further recommends that H.F. No. 1112 be given its second reading and substituted for S.F. No. 1030, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1510 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1510	1351				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1510 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1510, the first engrossment; and insert the language after the enacting clause of S.F. No. 1351, the first engrossment; further, delete the title of H.F. No. 1510, the first engrossment; and insert the title of S.F. No. 1351, the first engrossment.

And when so amended H.F. No. 1510 will be identical to S.F. No. 1351, and further recommends that H.F. No. 1510 be given its second reading and substituted for S.F. No. 1351, and that the Senate File be indefinitely postponed.

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

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 778: A bill for an act relating to collective bargaining; authorizing collective bargaining for family child care providers; authorizing collective bargaining for home and community-based long-term care services; establishing the Self-Directed Service Workforce Council; proposing coding for new law in Minnesota Statutes, chapters 179A; 256B.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

FAMILY CHILD CARE PROVIDERS REPRESENTATION ACT

Section 1. [179A.50] REPRESENTATION OF FAMILY CHILD CARE PROVIDERS.

Sections 179A.50 to 179A.52 shall be known as the Family Child Care Providers Representation Act.

Sec. 2. [179A.51] DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 179A.50 to 179A.52, the terms in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of mediation services.

Subd. 3. **Exclusive representative.** "Exclusive representative" means an employee organization that has been elected and certified under section 179A.52, thereby maintaining the right to represent family child care providers in their relations with the state.

Subd. 4. **Family child care provider.** "Family child care provider" means an individual, either licensed or unlicensed, who provides legal child care services as defined under section 245A.03, except for providers licensed under Minnesota Rules, chapter 9503, or excluded from licensure under section 245A.03, subdivision 2, paragraph (a), clause (5), and who receives child care assistance to subsidize child care services for a child or children currently in their care, under sections 119B.03; 119B.05; and 119B.011, subdivisions 20 and 20a.

Sec. 3. [179A.52] RIGHT TO ORGANIZE.

Subdivision 1. **Rights of individual providers and participants.** For the purposes of the Public Employment Labor Relations Act, under chapter 179A, family child care providers shall be considered, by virtue of this section, executive branch state employees employed by the commissioner of management and budget or the commissioner's representative. This section does not require the treatment of family child care providers as public employees for any other purpose. Chapter 179A shall apply to family child care providers except as otherwise provided in this section. Notwithstanding section 179A.03, subdivision 14, paragraph (a), clause (5), chapter 179A shall apply to family child care providers regardless of part-time or full-time employment status. Family child care providers shall not have the right to strike.

Subd. 2. **Appropriate unit.** The only appropriate unit under this section shall be a statewide unit of all family child care providers who meet the definition in section 179A.51, and who have had an active registration under chapter 119B within the previous 12 months. The unit shall be treated as an appropriate unit under section 179A.10, subdivision 2.

Subd. 3. **Compilation of list.** The commissioner of human services shall, by July 1, 2013, and monthly thereafter, compile and maintain a list of the names and addresses of all family child care providers who meet the definition in section 179A.51, and who have had an active registration under chapter 119B within the previous 12 months. The list shall not include the name of any participant, or indicate that an individual provider is a relative of a participant or has the same address as a participant. The commissioner of human services shall share the lists with others as needed for the state to meet its obligations under chapter 179A as modified and made applicable to family child care providers under this section, and to facilitate the representational processes under this section.

Subd. 4. **List access.** Beginning July 1, 2013, upon a showing made to the commissioner of the Bureau of Mediation Services by any employee organization wishing to represent the appropriate unit of family child care providers that at least 500 family child care providers support such representation, the commissioner of human services shall provide to such organization within seven days the most recent list of actively registered family child care providers compiled under subdivision 3, and subsequent monthly lists upon request for an additional three months.

Subd. 5. **Elections for exclusive representative.** After July 31, 2013, any employee organization wishing to represent the appropriate unit of family child care providers may seek exclusive representative status pursuant to section 179A.12. Certification elections for family child care providers shall be conducted by mail ballot, and such election shall be conducted upon an appropriate petition stating that at least 30 percent of the appropriate unit wishes to be represented by the petitioner. The family child care providers eligible to vote in any such election shall be those family child care providers on the monthly list of family child care providers compiled under this section, most recently preceding the filing of the election petition. Except as otherwise provided, elections under this subdivision shall be conducted in accordance with section 179A.12.

Subd. 6. **Meet and negotiate.** If the commissioner certifies an employee organization as the majority exclusive representative, the state, through the governor or the governor's designee, shall meet and negotiate in good faith with the exclusive representative of the family child care provider unit regarding grievance issues, child care assistance reimbursement rates under chapter 119B, and terms and conditions of service, but this obligation does not compel the state or its representatives to agree to a proposal or require the making of a concession. The governor or the governor's designee is authorized to enter into agreements with the exclusive representative. Negotiated agreements and arbitration decisions must be submitted to the legislature to be accepted or rejected in accordance with sections 3.855 and 179A.22.

Subd. 7. **Meet and confer.** The state has an obligation to meet and confer under chapter 179A with family child care providers to discuss policies and other matters relating to their service that are not terms and conditions of service.

Subd. 8. **Terms and conditions of service.** For purposes of this section, "terms and conditions of service" has the same meaning as given in section 179A.03, subdivision 19.

Subd. 9. **Rights.** Nothing in this section shall be construed to interfere with:

(1) parental rights to select and deselect family child care providers or the ability of family child care providers to establish the rates they charge to parents;

(2) the right or obligation of any state agency to communicate or meet with any citizen or organization concerning family child care legislation, regulation, or policy; or

(3) the rights and responsibilities of family child care providers under federal law.

Subd. 10. **Membership status and eligibility for subsidies.** Membership status in an employee organization shall not affect the eligibility of a family child care provider to receive payments under, or serve a child who receives payments under, chapter 119B.

Subd. 11. **Disclosure requirements; authorization signatures.** Authorization signatures under section 179A.12, subdivision 6, are valid only if made on paper within two inches of a disclosure printed in 18-point font or larger that reads: "For the purposes of Minnesota Statutes, chapter 179A, the state is the public employer of record for family child care providers. If an exclusive representative is elected to represent family child care providers, the exclusive representative will charge the provider either:

(1) periodic dues to be set by the representative, for members of the representative; or

(2) a fair-share fee to be set by the representative that may be as much as 85 percent of the dues, for nonmembers of the representative."

Subd. 12. **Disclosure requirement; ballots.** Ballots under section 179A.12, subdivision 8, are valid only if the ballot contains a disclosure prominently displayed in 18-point font or larger that reads: "For the purposes of Minnesota Statutes, chapter 179A, the state is the public employer of record for family child care providers. If an exclusive representative is elected to represent family child care providers, the exclusive representative will charge the provider either:

(1) periodic dues to be set by the representative, for members of the representative; or

(2) a fair-share fee to be set by the representative that may be as much as 85 percent of the dues, for nonmembers of the representative."

Sec. 4. **[179A.53] NO USE OF SCHOLARSHIPS FOR DUES OR FEES.**

Early learning scholarships shall not be applied, through state withholding or otherwise, toward payment of dues or fees that are paid to exclusive representatives of family child care providers.

EFFECTIVE DATE. This section is effective the day following final enactment of a law styled as Senate File No. 481 of the 88th legislature.

Sec. 5. **SEVERABILITY.**

Should any part of this act be declared invalid or unenforceable, or the enforcement or compliance with it is suspended, restrained, or barred, either by the state or by the final judgment of a court of competent jurisdiction, the remainder of this act shall remain in full force and effect.

Sec. 6. **EXPIRATION.**

Sections 1 to 4 expire June 30, 2017, if an exclusive representative has not been certified under Minnesota Statutes, section 179A.52, subdivision 6, by that date. The revisor of statutes shall publish this expiration date with the codification of sections 1 to 4.

Sec. 7. **EFFECTIVE DATE.**

Except for Minnesota Statutes, section 179A.53, this act is effective the day following final enactment.

ARTICLE 2

INDIVIDUAL PROVIDERS OF DIRECT SUPPORT SERVICES REPRESENTATION

Section 1. **[179A.54] INDIVIDUAL PROVIDERS OF DIRECT SUPPORT SERVICES.**

Subdivision 1. **Definitions.** For the purposes of this section:

(a) "Direct support services" has the meaning given to it under section 256B.0711, subdivision 1, paragraph (c).

(b) "Individual provider" has the meaning given to it under section 256B.0711, subdivision 1, paragraph (d).

(c) "Participant" has the meaning given to it under section 256B.0711, subdivision 1, paragraph (e).

(d) "Participant's representative" has the meaning given to it under section 256B.0711, subdivision 1, paragraph (f).

Subd. 2. **Rights of individual providers and participants.** For the purposes of the Public Employment Labor Relations Act, under chapter 179A, individual providers shall be considered, by virtue of this section, executive branch state employees employed by the commissioner of management and budget or the commissioner's representative. This section does not require the treatment of individual providers as public employees for any other purpose. Chapter 179A shall apply to individual providers except as otherwise provided in this section. Notwithstanding section 179A.03, subdivision 14, paragraph (a), clause (5), chapter 179A shall apply to individual providers regardless of part-time or full-time employment status.

Subd. 3. **Scope of meet and negotiate obligation.** If an exclusive representative is certified pursuant to this section, the mutual rights and obligations of the state and an exclusive representative of individual providers to meet and negotiate regarding terms and conditions shall extend to the subjects covered under section 256B.0711, subdivision 11, paragraph (c), but shall not include those subjects reserved to participants or participants' representatives by subdivision 4.

Subd. 4. **Rights of covered program participants.** No provision of any agreement reached between the state and any exclusive representative of individual providers, nor any arbitration award, shall interfere with the rights of participants or participants' representatives to select, hire, direct, supervise, and terminate the employment of their individual providers; to manage an individual service budget regarding the amounts and types of authorized goods or services received; or to receive direct support services from individual providers not referred to them through a state registry.

Subd. 5. **Legislative action on agreements.** Any agreement reached between the state and the exclusive representative of individual providers under chapter 179A shall be submitted to the legislature to be accepted or rejected in accordance with sections 3.855 and 179A.22.

Subd. 6. **Strikes prohibited.** Individual providers shall be subject to the prohibition on strikes applied to essential employees under section 179A.18.

Subd. 7. **Interest arbitration.** Individual providers shall be subject to the interest arbitration procedures applied to essential employees under section 179A.16.

Subd. 8. **Appropriate unit.** The only appropriate unit for individual providers shall be a statewide unit of all individual providers. The unit shall be treated as an appropriate unit under section 179A.10, subdivision 2. Individual providers who are related to their participant or their participant's representative shall not for such reason be excluded from the appropriate unit.

Subd. 9. **List access.** Beginning September 1, 2013, upon a showing made to the commissioner of the Bureau of Mediation Services by any employee organization wishing to represent the appropriate unit of individual providers that at least 500 individual providers support such representation, the commissioner of the Bureau of Mediation Services shall provide to such organization within seven days the most recent list of individual providers compiled under section 256B.0711, subdivision 11, paragraph (f), and subsequent monthly lists upon request for an additional three months. The commissioner of the Bureau of Mediation Services shall provide lists compiled under section 256B.0711, subdivision 11, paragraph (f), upon request, to any exclusive representative of individual providers. To facilitate operation of this section, the commissioner of human services shall provide all lists to the commissioner of the Bureau of Mediation Services, upon the request of the commissioner of the Bureau of Mediation Services.

Subd. 10. **Representation and election.** Beginning October 1, 2013, any employee organization wishing to represent the appropriate unit of individual providers may seek exclusive representative status pursuant to section 179A.12. Certification elections for individual providers shall be conducted by mail ballot, and such election shall be conducted upon an appropriate petition stating that among individual providers who have been paid for providing direct support services to participants within the previous 12 months, a number of individual providers equal to at least 30 percent of those eligible to vote wish to be represented by the petitioner. The individual providers eligible to vote in any such election shall be those individual providers on the monthly list of individual providers compiled under section 256B.0711, subdivision 11, paragraph (f), most recently preceding the filing of the election petition. Except as otherwise provided, elections under this section shall be conducted in accordance with section 179A.12.

Subd. 11. **Disclosure requirements; authorization signatures.** Authorization signatures under section 179A.12, subdivision 6, are valid only if made on paper within two inches of a disclosure printed in 18 point font or larger that reads: "For the purposes of Minnesota Statutes, chapter 179A, the state is the public employer of record for individual providers. If an exclusive representative is elected to represent individual providers, the exclusive representative will charge the provider either:

- (1) periodic dues to be set by the representative, for members of the representative; or
- (2) a fair-share fee to be set by the representative that may be as much as 85 percent of the dues, for nonmembers of the representative."

Subd. 12. **Disclosure requirement; ballots.** Ballots under section 179A.12, subdivision 8, are valid only if the ballot contains a disclosure prominently displayed in 18-point font or larger that reads: "For the purposes of Minnesota Statutes, chapter 179A, the state is the public employer of record for individual providers. If an exclusive representative is elected to represent individual providers, the exclusive representative will charge the provider either:

- (1) periodic dues to be set by the representative, for members of the representative; or

(2) a fair-share fee to be set by the representative that may be as much as 85 percent of the dues, for nonmembers of the representative."

Sec. 2. [256B.0711] QUALITY SELF-DIRECTED SERVICES WORKFORCE.

Subdivision 1. **Definitions.** For purposes of this section:

(a) "Commissioner" means the commissioner of human services unless otherwise indicated.

(b) "Covered program" means a program to provide direct support services funded in whole or in part by the state of Minnesota, including the Community First Services and Supports program; Consumer Directed Community Supports services and extended state plan personal care assistance services available under programs established pursuant to home and community-based service waivers authorized under section 1915(c) of the Social Security Act, and Minnesota Statutes, including, but not limited to, sections 256B.0915, 256B.092, and 256B.49, and under the alternative care program, as offered pursuant to section 256B.0913; the personal care assistance choice program, as established pursuant to section 256B.0659, subdivisions 18 to 20; and any similar program that may provide similar services in the future.

(c) "Direct support services" means personal care assistance services covered by medical assistance under section 256B.0625, subdivisions 19a and 19c; assistance with activities of daily living as defined in section 256B.0659, subdivision 1, paragraph (b), and instrumental activities of daily living as defined in section 256B.0659, subdivision 1, paragraph (i); and other similar, in-home, nonprofessional long-term services and supports provided to an elderly person or person with a disability by their employee or the employee of their representative to meet such person's daily living needs and ensure that such person may adequately function in his or her home and have safe access to the community.

(d) "Individual provider" means an individual selected by and working under the direction of a participant in a covered program, or a participant's representative, to provide direct support services to the participant, but does not include an employee of a provider agency, subject to the agency's direction and control commensurate with agency employee status.

(e) "Participant" means a person who receives direct support services through a covered program.

(f) "Participant's representative" means a participant's legal guardian or an individual having the authority and responsibility to act on behalf of a participant with respect to the provision of direct support services through a covered program.

Subd. 2. **Operation of covered programs.** All covered programs shall operate consistent with this section, including by affording participants and participants' representatives within the programs of the option of receiving services through individual providers as defined in subdivision 1, paragraph (d), notwithstanding any inconsistent provisions of section 256B.0659 or 256B.04, subdivision 16.

Subd. 3. **Use of employee workforce.** This requirement shall not restrict the state's ability to afford participants and participants' representatives within the covered programs who choose not to employ an individual provider, or are unable to do so, the option of receiving similar services through the employees of provider agencies, rather than through an individual provider.

Subd. 4. **Duties of the Department of Human Services.** (a) The commissioner shall afford to all participants within a covered program the option of employing an individual provider to provide direct support services.

(b) The commissioner shall ensure that all employment of individual providers is in conformity with this section and section 179A.54, including by modifying program operations as necessary to ensure proper classification of individual providers, to require that all relevant vendors within covered programs assist and cooperate as needed, including providers of fiscal support, fiscal intermediary, financial management, or similar services to provide support to participants and participants' representatives with regard to employing individual providers, and to otherwise fulfill the requirements of this section, including the provisions of paragraph (f).

(c) The commissioner shall:

(1) establish for all individual providers compensation rates, payment terms and practices, and any benefit terms, provided that these rates and terms may permit individual provider variations based on traditional and relevant factors otherwise permitted by law;

(2) provide for required orientation programs within three months of hire for individual providers newly hired on or after January 1, 2015, regarding their employment within the covered programs through which they provide services;

(3) have the authority to provide for relevant training and educational opportunities for individual providers, as well as for participants and participants' representatives who receive services from individual providers, including opportunities for individual providers to obtain certification documenting additional training and experience in areas of specialization;

(4) have the authority to provide for the maintenance of a public registry of individuals who have consented to be included to:

(i) provide routine, emergency, and respite referrals of qualified individual providers who have consented to be included in the registry to participants and participants' representatives;

(ii) enable participants and participants' representatives to gain improved access to, and choice among, prospective individual providers, including by having access to information about individual providers' training, educational background, work experience, and availability for hire; and

(iii) provide for appropriate employment opportunities for individual providers and a means by which they may more easily remain available to provide services to participants within covered programs; and

(5) establish other appropriate terms and conditions of employment governing the workforce of individual providers.

(d) The commissioner's authority over terms and conditions of individual providers' employment, including compensation, payment, and benefit terms, employment opportunities within covered programs, individual provider orientation, training, and education opportunities, and the operation of public registries shall be subject to the state's obligations to meet and negotiate under chapter 179A, as modified and made applicable to individual providers under section 179A.54, and to agreements with any exclusive representative of individual providers, as authorized by chapter 179A, as modified and made applicable to individual providers under section 179A.54. Except to the extent otherwise provided by law, the commissioner shall not undertake

activities in paragraph (c), clauses (3) and (4), prior to July 1, 2015, unless included in a negotiated agreement and an appropriation has been provided by the legislature to the commissioner.

(e) The commissioner shall cooperate in the implementation of section 179A.54 with the commissioner of management and budget in the same manner as would be required of an appointing authority under section 179A.22 with respect to any negotiations between the executive branch of the state and the exclusive representative of individual providers, as authorized under sections 179A.22 and 179A.54. Any entity providing relevant services within covered programs, including providers of fiscal support, fiscal intermediary, financial management, or similar services to provide support to participants and participants' representatives with regard to employing individual providers shall assist and cooperate with the commissioner of human services in the operations of this section, including with respect to the commissioner's obligations under paragraphs (b) and (f).

(f) The commissioner shall, not later than September 1, 2013, and then monthly thereafter, compile and maintain a list of the names and addresses of all individual providers who have been paid for providing direct support services to participants within the previous six months. The list shall not include the name of any participant, or indicate that an individual provider is a relative of a participant or has the same address as a participant. The list is private data on individuals as defined in section 13.02, provided that the commissioner shall share the lists with others as needed for the state to meet its obligations under chapter 179A as modified and made applicable to individual providers under section 179A.54, and to facilitate the representational processes under section 179A.54, subdivisions 9 and 10. To comply with this section and the provisions of section 179A.54, access to other relevant data on individual providers relating to their employment or prospective employment within covered programs by an exclusive representative of individual providers shall be governed by chapter 179A and section 13.43, and shall be treated as would labor organization access to personnel data under section 13.43, subdivision 6, not including access to private data on participants or participants' representatives. Nothing in this section or section 179A.54 shall alter the access rights of other private parties to data on individual providers.

(g) The commissioner shall immediately commence all necessary steps to ensure that services offered under all covered programs are offered in conformity with this section to gather all information that may be needed for promptly compiling lists required under this section, including information from current vendors within covered programs, and to complete any required modifications to currently operating covered programs by September 1, 2013.

(h) Beginning January 1, 2014, the commissioner of human services shall specifically require that any fiscal support, fiscal intermediary, financial management or similar entities providing payroll assistance services with respect to individual providers shall make all needed deductions on behalf of the state of dues check off amounts or fair share fees for the exclusive representative, as provided in section 179A.06, subdivisions 3 and 6. All contracts with entities for the provision of payroll-related services shall include this requirement.

Sec. 3. SEVERABILITY.

Should any part of this act be declared invalid or unenforceable, or the enforcement or compliance with it is suspended, restrained, or barred, either by the state or by the final judgment of a court of competent jurisdiction, the remainder of this act shall remain in full force and effect.

Sec. 4. EXPIRATION.

Sections 1 and 2 expire June 30, 2017, if an exclusive representative has not been certified under Minnesota Statutes, section 179A.54, subdivision 10, by that date. The revisor of statutes shall publish this expiration date with the codification of sections 1 and 2.

Sec. 5. EFFECTIVE DATE.

This act is effective the day following final enactment.

**ARTICLE 3
APPROPRIATIONS**

Section 1. APPROPRIATIONS.

(a) \$1,010,000 in fiscal year 2014 and \$890,000 in fiscal year 2015 are appropriated from the general fund to the commissioner of human services for the purposes of this act. The funding base for this appropriation is \$2,504,000 for fiscal year 2016 and \$1,426,000 for fiscal year 2017 and later.

(b) \$59,000 in fiscal year 2014 is appropriated from the general fund to the commissioner of the Bureau of Mediation Services for the purposes of this act.

(c) \$235,000 in fiscal year 2014 and \$235,000 in fiscal year 2015 are appropriated from the general fund to the commissioner of management and budget for the purposes of this act. The funding base for this appropriation for fiscal year 2016 and later is \$118,000."

Delete the title and insert:

"A bill for an act relating to collective bargaining; authorizing collective bargaining for family child care providers; authorizing collective bargaining for home and community-based long-term care services; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 179A; 256B."

And when so amended the bill be reported to the Senate without recommendation.

Senator Bakk moved the adoption of the Committee Report on S.F. No. 778.

CALL OF THE SENATE

Senator Nienow imposed a call of the Senate for the balance of the proceedings on S.F. No. 778. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Bakk motion.

The roll was called, and there were yeas 32 and nays 29, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Johnson	Reinert	Sparks
Carlson	Eaton	Kent	Rest	Tomassoni
Champion	Eken	Latz	Saxhaug	Wiger
Clausen	Franzen	Lourey	Schmit	Wiklund
Cohen	Hawj	Marty	Sheran	
Dahle	Hayden	Metzen	Sieben	
Dibble	Jensen	Pappas	Skoe	

Those who voted in the negative were:

Anderson	Fischbach	Kiffmeyer	Ortman	Scalze
Benson	Gazelka	Limmer	Osmeck	Senjem
Bonoff	Hall	Miller	Pederson, J.	Thompson
Brown	Hann	Nelson	Petersen, B.	Weber
Chamberlain	Housley	Newman	Pratt	Westrom
Dahms	Ingebrigtsen	Nienow	Rosen	

The motion prevailed. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1644, 1014 and 778 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 228, 854, 956, 1000, 894, 1112 and 1510 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Westrom introduced—

S.F. No. 1650: A bill for an act relating to agriculture; increasing the maximum reimbursement allowed from the agricultural chemical response and reimbursement account; amending Minnesota Statutes 2012, section 18E.04, subdivision 4.

Referred to the Committee on Jobs, Agriculture and Rural Development.

Senators Pappas and Dziejczak introduced—

S.F. No. 1651: A bill for an act relating to taxation; liquor; providing a credit for microdistilleries; amending Minnesota Statutes 2012, section 297G.03, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Reinert, Metzen, Saxhaug, Weber and Koenen introduced—

S.F. No. 1652: A bill for an act relating to taxation; providing tax credits to encourage charitable contributions; establishing an Endow Minnesota program; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2012, sections 290.06, by adding a subdivision; 297I.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Taxes.

MOTIONS AND RESOLUTIONS

Senator Marty moved that the name of Senator Wiger be added as a co-author to S.F. No. 1066. The motion prevailed.

Senator Bakk moved that H.F. No. 316 be taken from the table, and given a second reading. The motion prevailed.

H.F. No. 316: A bill for an act relating to transportation; motor vehicles; amending fees for certain motor vehicle titling transactions; amending Minnesota Statutes 2012, section 168A.29, subdivision 1.

H.F. No. 316 was read the second time.

Senator Bakk moved that H.F. No. 316 be laid on the table. The motion prevailed.

SPECIAL ORDERS

Pursuant to Rule 26, Senator Bakk, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

H.F. No. 740, S.F. Nos. 693, 661, 685 and 654.

SPECIAL ORDER

H.F. No. 740: A bill for an act relating to state lands; modifying landowners' bill of rights; modifying land acquisition account; providing for school forests; providing for sale of certain tax-forfeited land within Fond du Lac Indian Reservation; adding to and deleting from state parks and forests; authorizing certain exchanges and sales of state lands; amending Minnesota Statutes 2012, sections 84.0274, subdivision 6; 89.41; 94.165; 282.01, subdivisions 1a, 1d; Laws 1989, chapter 136, section 1.

Senator Hawj moved to amend H.F. No. 740, as amended pursuant to Rule 45, adopted by the Senate May 8, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 886.)

Page 2, after line 7, insert:

"Sec. 2. Minnesota Statutes 2012, section 89.41, is amended to read:

89.41 EDUCATIONAL UNITS MAY ESTABLISH AND MAINTAIN SCHOOL FORESTS.

Subdivision 1. **Establishment and maintenance of school forests.** Any school district in the state, however organized, the University of Minnesota, or any branch thereof, any state university, community college, or other public educational institution or agency of the state, all herein referred to as agencies, may establish and maintain school forests as herein provided according to this section, subject to the approval of the commissioner of natural resources. Any such agency may use for the purpose of such a forest any land belonging to it, or may acquire land therefor by gift or with contributed funds. For the purpose of a school forest, an agency may use land the agency owns or uses under an agreement or may acquire land by gift or with contributed funds.

Subd. 2. **Conveyance of tax-forfeited land for school forest use.** For the purposes of such forest school forests established under this section, any tax-forfeited lands may be sold by the county board to any such an agency or may be conveyed by the commissioner of revenue to any such an agency in like manner as provided for the sale or conveyance of such tax-forfeited lands to governmental subdivisions under section 282.01 and amendments thereof. A conveyance under this subdivision is made without monetary compensation or consideration for the conveyance, but the conveyance

is subject to the conditional use and reversion provisions under section 282.01, subdivisions 1c and 1d, paragraph (e).

Subd. 3. **Monitoring and reporting.** The commissioner shall annually monitor tax-forfeited lands conveyed according to subdivision 2 to determine whether the lands continue to be used as school forests. The commissioner shall submit an annual monitoring report to the commissioner of revenue that identifies any lands no longer used as school forests.

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

Page 2, after line 23, insert:

"Sec. 4. Minnesota Statutes 2012, section 282.01, subdivision 1a, is amended to read:

Subd. 1a. **Conveyance to public entities.** (a) Upon written request from a state agency or a governmental subdivision of the state, a parcel of unsold tax-forfeited land must be withheld from sale or lease to others for a maximum of six months. The request must be submitted to the county auditor. Upon receipt, the county auditor must withhold the parcel from sale or lease to any other party for six months, and must confirm the starting date of the six-month withholding period to the requesting agency or subdivision. If the request is from a governmental subdivision of the state, the governmental subdivision must pay the maintenance costs incurred by the county during the period the parcel is withheld. The county board may approve a sale or conveyance to the requesting party during the withholding period. A conveyance of the property to the requesting party terminates the withholding period.

A governmental subdivision of the state must not make, and a county auditor must not act upon, a second request to withhold a parcel from sale or lease within 18 months of a previous request for that parcel. A county may reject a request made under this paragraph if the request is made more than 30 days after the county has given notice to the requesting state agency or governmental subdivision of the state that the county intends to sell or otherwise dispose of the property.

(b) Nonconservation tax-forfeited lands may be sold by the county board, for their market value as determined by the county board, to an organized or incorporated governmental subdivision of the state for any public purpose for which the subdivision is authorized to acquire property. When the term "market value" is used in this section, it means an estimate of the full and actual market value of the parcel as determined by the county board, but in making this determination, the board and the persons employed by or under contract with the board in order to perform, conduct, or assist in the determination, are exempt from the licensure requirements of chapter 82B.

(c) Nonconservation tax-forfeited lands may be released from the trust in favor of the taxing districts on application to the county board by a state agency for an authorized use at not less than their market value as determined by the county board.

(d) Nonconservation tax-forfeited lands may be sold by the county board to an organized or incorporated governmental subdivision of the state or state agency for less than their market value if:

(1) the county board determines that a sale at a reduced price is in the public interest because a reduced price is necessary to provide an incentive to correct the blighted conditions that make the lands undesirable in the open market, or the reduced price will lead to the development of affordable housing; and

(2) the governmental subdivision or state agency has documented its specific plans for correcting the blighted conditions or developing affordable housing, and the specific law or laws that empower it to acquire real property in furtherance of the plans.

If the sale under this paragraph is to a governmental subdivision of the state, the commissioner of revenue must convey the property on behalf of the state by quit claim deed. If the sale under this paragraph is to a state agency, the commissioner must issue a conveyance document that releases the property from the trust in favor of the taxing districts.

(e) Nonconservation tax-forfeited land held in trust in favor of the taxing districts may be conveyed by the commissioner of revenue in the name of the state to a governmental subdivision for an authorized public use, if an application is submitted to the commissioner which includes a statement of facts as to the use to be made of the tract and the favorable recommendation of the county board. For the purposes of this paragraph, "authorized public use" means a use that allows an indefinite segment of the public to physically use and enjoy the property in numbers appropriate to its size and use, or is for a public service facility. Authorized public uses as defined in this paragraph are limited to:

- (1) a road, or right-of-way for a road;
- (2) a park that is both available to, and accessible by, the public that contains improvements such as campgrounds, playgrounds, athletic fields, trails, or shelters;
- (3) trails for walking, bicycling, snowmobiling, or other recreational purposes, along with a reasonable amount of surrounding land maintained in its natural state;
- (4) transit facilities for buses, light rail transit, commuter rail or passenger rail, including transit ways, park-and-ride lots, transit stations, maintenance and garage facilities, and other facilities related to a public transit system;
- (5) public beaches or boat launches;
- (6) public parking;
- (7) civic recreation or conference facilities; and
- (8) public service facilities such as fire halls, police stations, lift stations, water towers, sanitation facilities, water treatment facilities, and administrative offices.

No monetary compensation or consideration is required for the conveyance, except as provided in subdivision 1g, but the conveyance is subject to the conditions provided in law, including, but not limited to, the reversion provisions of subdivisions 1c and 1d.

(f) The commissioner of revenue shall convey a parcel of nonconservation tax-forfeited land to a local governmental subdivision of the state by quit claim deed on behalf of the state upon the favorable recommendation of the county board if the governmental subdivision has certified to the board that prior to forfeiture the subdivision was entitled to the parcel under a written development agreement or instrument, but the conveyance failed to occur prior to forfeiture. No compensation or consideration is required for, and no conditions attach to, the conveyance.

(g) The commissioner of revenue shall convey a parcel of nonconservation tax-forfeited land to the association of a common interest community by quit claim deed upon the favorable recommendation of the county board if the association certifies to the board that prior to forfeiture

the association was entitled to the parcel under a written agreement, but the conveyance failed to occur prior to forfeiture. No compensation or consideration is required for, and no conditions attach to, the conveyance.

(h) Conservation tax-forfeited land may be sold to a governmental subdivision of the state for less than its market value for either: (1) creation or preservation of wetlands; (2) drainage or storage of storm water under a storm water management plan; or (3) preservation, or restoration and preservation, of the land in its natural state. The deed must contain a restrictive covenant limiting the use of the land to one of these purposes for 30 years or until the property is reconveyed back to the state in trust. At any time, the governmental subdivision may reconvey the property to the state in trust for the taxing districts. The deed of reconveyance is subject to approval by the commissioner of revenue. No part of a purchase price determined under this paragraph shall be refunded upon a reconveyance, but the amount paid for a conveyance under this paragraph may be taken into account by the county board when setting the terms of a future sale of the same property to the same governmental subdivision under paragraph (b) or (d). If the lands are unplatted and located outside of an incorporated municipality and the commissioner of natural resources determines there is a mineral use potential, the sale is subject to the approval of the commissioner of natural resources.

(i) A park and recreation board in a city of the first class is a governmental subdivision for the purposes of this section.

(j) Tax-forfeited land held in trust in favor of the taxing districts may be conveyed by the commissioner of revenue in the name of the state to a governmental subdivision for a school forest under section 89.41. An application that includes a statement of facts as to the use to be made of the tract and the favorable recommendation of the county board and the commissioner of natural resources must be submitted to the commissioner of revenue. No monetary compensation or consideration is required for the conveyance, but the conveyance is subject to the conditional use and reversion provisions of subdivisions 1c and 1d, paragraph (e). At any time, the governmental subdivision may reconvey the property back to the state in trust for the taxing districts. The deed of reconveyance is subject to approval by the commissioner of revenue.

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

Sec. 5. Minnesota Statutes 2012, section 282.01, subdivision 1d, is amended to read:

Subd. 1d. **Reverter for failure to use; conveyance to state.** (a) After three years from the date of any conveyance of tax-forfeited land to a governmental subdivision for an authorized public use as provided in this section, regardless of when the deed for the authorized public use was executed, if the governmental subdivision has failed to put the land to that use, or abandons that use, the governing body of the subdivision must: (1) with the approval of the county board, purchase the property for an authorized public purpose at the present market value as determined by the county board, or (2) authorize the proper officers to convey the land, or the part of the land not required for an authorized public use, to the state of Minnesota in trust for the taxing districts. If the governing body purchases the property under clause (1), the commissioner of revenue shall, upon proper application submitted by the county auditor, convey the property on behalf of the state by quit claim deed to the subdivision free of a use restriction and the possibility of reversion or defeasement. If the governing body decides to reconvey the property to the state under this clause, the officers shall execute a deed of conveyance immediately. The conveyance is subject to the approval of the commissioner and its form must be approved by the attorney general. For 15 years from the date of the conveyance, there

is no failure to put the land to the authorized public use and no abandonment of that use if a formal plan of the governmental subdivision, including, but not limited to, a comprehensive plan or land use plan, shows an intended future use of the land for the authorized public use.

(b) Property held by a governmental subdivision of the state under a conditional use deed executed under this section by the commissioner of revenue on or after January 1, 2007, may be acquired by that governmental subdivision after 15 years from the date of the conveyance if the commissioner determines upon written application from the subdivision that the subdivision has in fact put the property to the authorized public use for which it was conveyed, and the subdivision has made a finding that it has no current plans to change the use of the lands. Prior to conveying the property, the commissioner shall inquire whether the county board where the land is located objects to a conveyance of the property to the subdivision without conditions and without further act by or obligation of the subdivision. If the county does not object within 60 days, and the commissioner makes a favorable determination, the commissioner shall issue a quit claim deed on behalf of the state unconditionally conveying the property to the governmental subdivision. For purposes of this paragraph, demonstration of an intended future use for the authorized public use in a formal plan of the governmental subdivision does not constitute use for that authorized public use.

(c) Property held by a governmental subdivision of the state under a conditional use deed executed under this section by the commissioner of revenue before January 1, 2007, is released from the use restriction and possibility of reversion on January 1, 2022, if the county board records a resolution describing the land and citing this paragraph. The county board may authorize the county treasurer to deduct the amount of the recording fees from future settlements of property taxes to the subdivision.

(d) Except for tax-forfeited land conveyed to establish a school forest under section 89.41, property conveyed under a conditional use deed executed under this section by the commissioner of revenue, regardless of when the deed for the authorized public use was executed, is released from the use restriction and reverter, and any use restriction or reverter for which no declaration of reversion has been recorded with the county recorder or registrar of titles, as appropriate, is nullified on the later of: (1) January 1, 2015; (2) 30 years from the date the deed was acknowledged; or (3) final resolution of an appeal to district court under subdivision 1e, if a lis pendens related to the appeal is recorded in the office of the county recorder or registrar of titles, as appropriate, prior to January 1, 2015.

(e) Notwithstanding paragraphs (a) to (d), tax-forfeited land conveyed to establish a school forest under section 89.41 is subject to a perpetual conditional use deed and reverter. The property reverts to the state in trust for the taxing districts by operation of law if the commissioner of natural resources determines and reports to the commissioner of revenue under section 89.41, subdivision 3, that the governmental subdivision has failed to use the land for school forest purposes for three consecutive years. The commissioner of revenue shall record a declaration of reversion for land that has reverted under this paragraph.

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

Sec. 6. Laws 1989, chapter 136, section 1, is amended to read:

Section 1. **CONVEYANCE OF ST. PETER STATE HOSPITAL PROPERTY TO LEO A. HOFFMANN CENTER, INC.**

(a) Notwithstanding Minnesota Statutes, sections 16B.24 and 94.09 to 94.16, the commissioner of administration may convey the land described in this section without consideration to Leo A. Hoffmann Center, Inc. of St. Peter, Minnesota.

(b) The conveyance must be conditioned that the real property, including buildings and other improvements, reverts to the state if the property is not used as a nonprofit treatment facility. The conveyance must be in a form approved by the attorney general.

(c) The land that may be conveyed is vacant property without buildings on the grounds of the St. Peter Regional Treatment Center containing 10.43 acres, more or less, in Nicollet County, Minnesota, described as:

That part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 110 North, Range 26 West, Nicollet County, Minnesota, described as:

Commencing at the North Quarter Corner of Section 29; thence South 89 degrees 54 minutes 24 seconds East (assumed bearing) along the North line of Section 29, a distance of 83.41 feet; thence South 00 degrees 34 minutes 17 seconds East on a line parallel to the centerline of Minnesota trunk highway marked No. 333 (Sheppard Drive), a distance of 107.33 feet to the South right-of-way of Minnesota trunk highway marked No. 99, also being the point of beginning; thence continuing South 00 degrees 34 minutes 17 seconds East, 600.00 feet; thence North 89 degrees 25 minutes 43 seconds East, 800.00 feet; thence North 00 degrees 34 minutes 17 seconds West, 427.95 feet to the southerly right-of-way line of Minnesota trunk highway marked No. 99; thence North 88 degrees 59 minutes 48 seconds West along the southerly right-of-way line of Minnesota trunk highway marked No. 99 a distance of 419.28 feet; thence North 01 degrees 00 minutes 12 seconds East along said right-of-way line 150.00 feet; thence North 88 degrees 59 minutes 48 seconds West along said right-of-way line 385.15 feet to the point of beginning.

(d) The property to be conveyed is surplus property of the St. Peter Regional Treatment Center and is not needed for state use. The property is needed by Leo A. Hoffmann Center, Inc. to construct a residential treatment facility. The property is adjacent to property presently used by Leo A. Hoffmann Center, Inc. under a lease agreement with the St. Peter Regional Treatment Center and the best interests of the state of Minnesota and of the Leo A. Hoffmann Center, Inc. would be served by continuing and expanding the present relationship between the state and Leo A. Hoffmann Center, Inc. by conveying the property.

(e) All construction plans and specifications for the residential treatment facility to be built on the site must be submitted to the commissioner of administration for review and approval.

(f) Notwithstanding Minnesota Statutes, sections 16B.281 to 16B.283, the Leo A. Hoffmann Center, Inc. may request the commissioner of administration to release the condition under paragraph (b) that the real property, including buildings and other improvements, reverts to the state if the property is not used as a nonprofit treatment facility. The state shall release the condition only upon payment of the appraised value of the land, plus any appraisal or other costs incurred by the state to process the requested sale, as determined by the commissioner of administration at the time of the sale of the property. The commissioner of administration may add conditions to the sale of the property deemed to be in the interest of the state. Upon receipt of full payment of the sale price, the commissioner of administration shall issue a quit claim deed for the property to the Leo A. Hoffmann Center, Inc., releasing the reverter condition. The money received from the sale shall be disposed of according to Minnesota Statutes, section 16B.287."

Page 11, after line 22, insert:

"Sec. 21. **PRIVATE SALE OF SURPLUS STATE LAND; GOODHUE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Goodhue County and is described as: That part of the Southwest Quarter of the Northeast Quarter of Section 36, Township 112 North, Range 15 West, Goodhue County, Minnesota described as follows: commencing at the northeast corner of said Southwest Quarter of the Northeast Quarter; thence West along the north line thereof a distance of 121.00 feet; thence South parallel with the east line of said Southwest Quarter of the Northeast Quarter a distance of 469.00 feet to the point of beginning of the land to be described; thence deflecting 74 degrees 05 minutes 35 seconds left a distance of 125.82 feet to a point on the east line of said Southwest Quarter of the Northeast Quarter; thence South along said east line of the Southwest Quarter of the Northeast Quarter a distance of 34.35 feet; thence deflecting 68 degrees 41 minutes 35 seconds right a distance of 192.41 feet; thence deflecting 21 degrees 34 minutes 56 seconds right, parallel with the north line of said Southwest Quarter of the Northeast Quarter, a distance of 274.27 feet; thence deflecting 17 degrees 18 minutes 00 seconds left a distance of 156.54 feet; thence deflecting 35 degrees 54 minutes 26 seconds right a distance of 343.33 feet to the southwest corner of the East 928.00 feet of the North 545.00 feet of said Southwest Quarter of the Northeast Quarter; thence East along the south line of the North 545.00 feet of said Southwest Quarter of the Northeast Quarter a distance of 807.00 feet to the east line of the West 7.00 feet of the East 128.00 feet of the North 545.00 feet of said Southwest Quarter of the Northeast Quarter; thence North, parallel with the east line of said Southwest Quarter of the Northeast Quarter, a distance of 76.00 feet to the point of beginning, containing 1.38 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land were conveyed to an adjacent landowner.

Sec. 22. PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATERS; HUBBARD COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Hubbard County may sell the tax-forfeited land bordering public waters that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is in Hubbard County and is described as: parcel ID No. 22-30-04021.

(d) The county has determined that the county's land management interests would be best served if the land was returned to private ownership.

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

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. 740 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dziedzic	Johnson	Pappas	Skoe
Bakk	Eaton	Kent	Pederson, J.	Sparks
Benson	Eken	Kiffmeyer	Petersen, B.	Thompson
Bonoff	Fischbach	Latz	Pratt	Tomassoni
Brown	Franzen	Limmer	Reinert	Torres Ray
Carlson	Gazelka	Marty	Rest	Weber
Chamberlain	Hall	Metzen	Rosen	Westrom
Champion	Hann	Miller	Saxhaug	Wiger
Clausen	Hawj	Nelson	Scalze	Wiklund
Cohen	Hayden	Newman	Schmit	
Dahle	Housley	Nienow	Senjem	
Dahms	Ingebrigtsen	Ortman	Sheran	
Dibble	Jensen	Osmek	Sieben	

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

SPECIAL ORDER

S.F. No. 693: A bill for an act relating to civil actions; providing for the survival or continuation of an action after the death or disability of a party; proposing coding for new law in Minnesota Statutes, chapter 540; repealing Minnesota Statutes 2012, section 573.01.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 4, as follows:

Those who voted in the affirmative were:

Bakk	Eaton	Johnson	Pederson, J.	Skoe
Benson	Eken	Kent	Petersen, B.	Sparks
Bonoff	Fischbach	Kiffmeyer	Pratt	Thompson
Carlson	Franzen	Latz	Reinert	Tomassoni
Chamberlain	Gazelka	Marty	Rest	Torres Ray
Champion	Hall	Metzen	Rosen	Weber
Clausen	Hann	Miller	Saxhaug	Westrom
Cohen	Hawj	Nelson	Scalze	Wiger
Dahle	Hayden	Newman	Schmit	Wiklund
Dahms	Housley	Nienow	Senjem	
Dibble	Ingebrigtsen	Ortman	Sheran	
Dziedzic	Jensen	Pappas	Sieben	

Those who voted in the negative were:

Anderson	Brown	Limmer	Osmek
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So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 661: A bill for an act relating to campaign finance; providing for additional disclosure; making various changes to campaign finance and public disclosure law; expanding jurisdiction of Campaign Finance and Public Disclosure Board; expanding definition of public official; amending Minnesota Statutes 2012, sections 10A.01, subdivisions 10, 11, 16, 27, 28, 35, by adding subdivisions; 10A.02, subdivisions 9, 10, 11, 12, 15; 10A.025, subdivisions 2, 3, 4; 10A.04, subdivision 5; 10A.105, subdivision 1; 10A.12, subdivisions 1, 1a, 2; 10A.121; 10A.14, subdivision 1, by adding a subdivision; 10A.15, subdivisions 1, 3; 10A.16; 10A.20, subdivisions 1, 2, 3, 4, 5, 6, 7, 12, by adding a subdivision; 10A.241; 10A.242, subdivision 1; 10A.25, subdivisions 2, 2a, 3, 3a; 10A.257, subdivision 1; 10A.27, subdivisions 1, 9, 10, 11, 13, 14, 15; 10A.273, subdivisions 1, 4; 10A.30; 10A.31, subdivisions 1, 4, 7; 10A.315; 10A.321, subdivision 1; 10A.322, subdivision 4; 10A.323; 10A.324, subdivision 1; 211B.32, subdivision 1; 211B.37; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 2012, sections 10A.24; 10A.242; 10A.25, subdivision 6.

Senator Rest moved to amend S.F. No. 661 as follows:

Page 40, delete section 7

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Senjem moved to amend S.F. No. 661 as follows:

Page 8, after line 24, insert:

"Sec. 18. Minnesota Statutes 2012, section 10A.071, subdivision 3, is amended to read:

Subd. 3. **Exceptions.** (a) The prohibitions in this section do not apply if the gift is:

(1) a contribution as defined in section 10A.01, subdivision 11;

(2) services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;

(3) services of insignificant monetary value;

(4) a plaque with a resale value of \$5 or less;

(5) a trinket or memento costing \$5 or less;

(6) informational material with a resale value of \$5 or less; or

(7) food or a beverage given at a reception, meal, or meeting if:

(i) the reception, meal, or meeting is held away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program; or

(ii) the recipient is a member or employee of the legislature and an invitation to attend the reception, meal, or meeting was provided to all members of the legislature at least five days prior to the date of the event.

(b) The prohibitions in this section do not apply if the gift is given:

(1) because of the recipient's membership in a group, a majority of whose members are not officials, and an equivalent gift is given to the other members of the group; or

(2) by a lobbyist or principal who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Marty imposed a call of the Senate for the balance of the proceedings on S.F. No. 661. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Senjem amendment.

The roll was called, and there were yeas 34 and nays 28, as follows:

Those who voted in the affirmative were:

Bakk	Fischbach	Metzen	Pratt	Skoe
Benson	Gazelka	Miller	Reinert	Sparks
Bonoff	Hann	Nelson	Rest	Stumpf
Champion	Hawj	Newman	Rosen	Tomassoni
Dahms	Ingebrigtsen	Ortman	Saxhaug	Weber
Dziedzic	Latz	Pappas	Schmit	Wiger
Eaton	Limmer	Petersen, B.	Senjem	

Those who voted in the negative were:

Anderson	Dahle	Housley	Nienow	Thompson
Brown	Dibble	Jensen	Osmek	Torres Ray
Carlson	Eken	Johnson	Pederson, J.	Westrom
Chamberlain	Franzen	Kent	Scalze	Wiklund
Clausen	Hall	Kiffmeyer	Sheran	
Cohen	Hayden	Marty	Sieben	

The motion prevailed. So the amendment was adopted.

Senator Westrom moved to amend S.F. No. 661 as follows:

Page 27, after line 29, insert:

"Sec. 46. Minnesota Statutes 2012, section 10A.27, subdivision 2, is amended to read:

Subd. 2. **Political party and dissolving principal campaign committee limit.** A candidate must not permit the candidate's principal campaign committee to accept contributions from any political party units or dissolving principal campaign committees in aggregate in excess of ten times the amount that may be contributed to that candidate as set forth in subdivision 1, except that in the election segment of an election cycle for a senate candidate the aggregate limit is 15 times the

amount that may be contributed to the candidate as set forth in subdivision 1. The limitation in this subdivision does not apply to a contribution from a dissolving principal campaign committee of a candidate for the legislature to another principal campaign committee of the same candidate."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Marty moved to amend S.F. No. 661 as follows:

Page 13, line 21, after the period, insert "Notwithstanding section 10A.15 and the threshold in this section, a contribution from a lobbyist in any amount must be disclosed under this paragraph."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 27, as follows:

Those who voted in the affirmative were:

Benson	Dziedzic	Kiffmeyer	Nienow	Sieben
Bonoff	Eken	Latz	Ortman	Stumpf
Brown	Franzen	Limmer	Osmek	Thompson
Carlson	Hall	Marty	Pratt	Torres Ray
Clausen	Hann	Miller	Scalze	Weber
Dahle	Hayden	Nelson	Schmit	Westrom
Dibble	Housley	Newman	Sheran	Wiger

Those who voted in the negative were:

Anderson	Eaton	Johnson	Reinert	Sparks
Bakk	Fischbach	Kent	Rest	Tomassoni
Chamberlain	Gazelka	Metzen	Rosen	Wiklund
Champion	Hawj	Pappas	Saxhaug	
Cohen	Ingebrigtsen	Pederson, J.	Senjem	
Dahms	Jensen	Petersen, B.	Skoe	

The motion prevailed. So the amendment was adopted.

Senator Newman moved to amend S.F. No. 661 as follows:

Page 4, delete sections 11 and 12 and insert:

"Sec. 11. Minnesota Statutes 2012, section 10A.02, subdivision 10, is amended to read:

Subd. 10. **Audits and investigations.** The board may make audits and investigations with respect to statements and reports that are filed or that should have been filed under this chapter. ~~In all matters relating to its official duties, the board has the power to issue subpoenas and cause them to be served. If a person does not comply with a subpoena, the board may apply to the District Court of Ramsey County for issuance of an order compelling obedience to the subpoena. A person failing to obey the order is punishable by the court as for contempt.~~ The board may investigate an alleged violation of this chapter."

Page 5, delete section 13 and insert:

"Sec. 12. Minnesota Statutes 2012, section 10A.02, is amended by adding a subdivision to read:

Subd. 11b. **Complaints; violations.** (a) A complaint alleging a violation of chapter 10A must be filed with the Office of Administrative Hearings as provided in sections 10A.60 to 10A.66.

(b) The board may file a complaint with the Office of Administrative Hearings for any violations of chapter 10A as provided in sections 10A.60 to 10A.66."

Page 6, line 35, delete the new language

Page 7, line 7, strike "is binding on the board in a"

Page 7, strike line 8

Page 7, line 9, strike the second "a" and insert "an administrative or"

Page 7, line 11, strike everything after "of" and insert "an administrative"

Page 7, delete section 15

Page 8, delete lines 4 to 8

Page 8, delete lines 19 to 23

Page 8, line 24, delete "(c)" and insert "(b)"

Page 8, after line 24, insert:

"Sec. 16. Minnesota Statutes 2012, section 10A.027, is amended to read:

10A.027 INFORMATION ON WEB SITE.

The board must not post on its Web site any canceled checks, bank account numbers, credit card account numbers, or Social Security numbers that may be in the board's possession as a result of report or statement filings, ~~complaints~~, or other proceedings under this chapter."

Page 24, line 8, delete "board" and insert "court"

Page 32, delete section 52 and insert:

"Sec. 51. **[10A.60] DEFINITIONS.**

As used in sections 10A.60 to 10A.66, "office" means the Office of Administrative Hearings.

Sec. 52. [10A.61] COMPLAINTS OF CAMPAIGN FINANCE AND PUBLIC DISCLOSURE VIOLATIONS.

Subdivision 1. **Administrative remedy; exhaustion.** A complaint alleging a violation of chapter 10A must be filed with the office. The complaint must be finally disposed of by the office before the alleged violation may be prosecuted by a county attorney.

Subd. 2. **Limitation on filing.** The complaint must be filed with the office within one year after the occurrence of the act or failure to act that is the subject of the complaint, except that if the act or failure to act involves fraud, concealment, or misrepresentation that could not be discovered during that one-year period, the complaint may be filed with the office within one year after the fraud, concealment, or misrepresentation was discovered.

Subd. 3. **Form of complaint.** The complaint must be in writing, submitted under oath, and detail the factual basis for the claim that a violation of law has occurred. The office may prescribe the form of a complaint.

Subd. 4. **Proof of claim.** The burden of proving the allegations in the complaint is on the complainant. The standard of proof of any violation of chapter 10A is a preponderance of the evidence.

Subd. 5. **Filing fee; waiver; refund.** (a) The complaint must be accompanied by a filing fee of \$50.

(b) The office may waive the payment of the filing fee, if the individual seeking a waiver of the fee files with the office an affidavit stating that the individual is financially unable to pay the fee.

(c) The office may refund the filing fee of a complainant who prevails on the merits.

Subd. 6. **Service on respondent.** Upon receipt of the filed complaint, the office must immediately notify the respondent and provide the respondent with a copy of the complaint by the most expeditious means available.

Sec. 53. **[10A.62] PRIMA FACIE REVIEW.**

Subdivision 1. **Time for review.** The chief administrative law judge must randomly assign an administrative law judge to review the complaint. Within one business day after the complaint was filed with the office, when practicable, but never longer than three business days, the administrative law judge must make a preliminary determination for its disposition.

Subd. 2. **Recommendation.** (a) If the administrative law judge determines that the complaint does not set forth a prima facie violation of chapter 10A, the administrative law judge must dismiss the complaint.

(b) If the administrative law judge determines that the complaint sets forth a prima facie violation of chapter 10A, and was filed more than 60 days before the primary or special election or more than 90 days before the general election to which the complaint relates, the administrative law judge must schedule an evidentiary hearing under section 10A.64.

Subd. 3. **Notice to parties.** The office must notify all parties of the determination made under subdivision 2. If the complaint is scheduled for hearing, the notice must identify the time and place of the hearing and inform all parties that they may submit evidence, affidavits, documentation, and argument for consideration by the administrative law judge.

Subd. 4. **Joinder and separation of complaints.** The chief administrative law judge may direct that two or more complaints be joined for disposition if the chief administrative law judge determines that the allegations in each complaint are of the same or similar character, are based on the same act or failure to act, or are based on two or more acts or failures to act constituting parts of a common scheme or plan. If one complaint contains two or more allegations, the chief administrative law judge may separate the allegations, if they are not of the same or similar character, if they are not based on the same act or failure to act, or if they are not based on two or more acts or failures to act constituting parts of a common scheme or plan. If the chief administrative law judge separates the allegations in a complaint, the assigned administrative law judge or judges may make separate recommendations under subdivision 2 for each allegation.

Sec. 54. **[10A.63] PROBABLE CAUSE HEARING.**

Subdivision 1. **Time for review.** The administrative law judge must hold the hearing not later than 30 days after receiving the assignment.

Subd. 2. **Disposition.** At the probable cause hearing, the administrative law judge must make one of the following determinations:

(1) the complaint is frivolous, or there is no probable cause to believe that the violation of law alleged in the complaint has occurred. If the administrative law judge makes either determination, the administrative law judge must dismiss the complaint; or

(2) there is probable cause to believe that the violation of law alleged in the complaint has occurred. If the administrative law judge so determines, the chief administrative law judge must schedule the complaint for an evidentiary hearing under section 10A.64.

Subd. 3. **Reconsideration by chief administrative law judge.** (a) If the administrative law judge dismisses the complaint, the administrative law judge shall provide to the complainant written notice of the right to seek reconsideration of the decision on the record by the chief administrative law judge.

(b) A petition for reconsideration must be filed within two business days after the dismissal. The chief administrative law judge must make a decision on the petition within three business days after receiving the petition. If the chief administrative law judge determines that the assigned administrative law judge made a clear error of law and grants the petition, within five business days after granting the petition, the chief administrative law judge shall schedule the complaint for an evidentiary hearing under section 10A.64.

Sec. 55. **[10A.64] EVIDENTIARY HEARING BY PANEL.**

Subdivision 1. **Deadline for hearing.** (a) When required by section 10A.63, the chief administrative law judge must assign the complaint to a panel of three administrative law judges for an evidentiary hearing. The hearing must be held within the following times:

(1) 30 days after the complaint was filed, if it was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates; or

(2) 90 days after the complaint was filed, if it was filed at any other time.

(b) For good cause shown, the panel may extend the deadline set forth in clause (1) or (2) by 60 days.

Subd. 2. **Disposition of complaint.** The panel must determine whether the violation alleged in the complaint occurred and must make at least one of the following dispositions:

(1) the panel may dismiss the complaint;

(2) the panel may issue a reprimand;

(3) the panel may impose a civil penalty of up to \$5,000 for any violation of chapter 10A; and

(4) The panel may refer the complaint to the appropriate county attorney.

Subd. 3. **Time for disposition.** The panel must dispose of the complaint within 14 days after the hearing record closes.

Sec. 56. [10A.65] PROCEDURES.

Subdivision 1. Evidence and argument. (a) The administrative law judge or panel may consider any evidence and argument submitted until a hearing record is closed, including affidavits and documentation, or may continue a hearing to enable the parties to submit additional testimony.

(b) The administrative law judge or panel shall consider a written advisory opinion issued by the board as provided in section 10A.02, subdivision 12.

Subd. 2. Withdrawal of complaint. At any time before an evidentiary hearing under section 10A. 64 begins, a complainant may withdraw the complaint. After the evidentiary hearing begins, a complaint may only be withdrawn with the permission of the panel.

Subd. 3. Costs. If the assigned administrative law judge or panel determines the complaint is frivolous, they may order the complainant to pay the respondent's reasonable attorney fees and to pay the costs of the office in the proceeding in which the complaint was dismissed.

Subd. 4. Hearings public. A hearing under section 10A.63 or 10A.64 may be conducted by conference telephone call or by interactive television. All hearings must be open to the public.

Subd. 5. Judicial review. A party aggrieved by a final decision on a complaint is entitled to judicial review of the decision as provided in sections 14.63 to 14.69; however, proceedings on a complaint filed under chapter 10A are not a contested case within the meaning of chapter 14 and are not otherwise governed by chapter 14.

Sec. 57. [10A.66] COSTS ASSESSED.

Except as otherwise provided in section 10A.65, subdivision 3, the chief administrative law judge shall assess the cost of considering complaints filed under chapter 10A as provided in this section. Costs of complaints relating to a statewide ballot question or an election for a statewide or legislative office must be assessed against the appropriation from the general fund to the general account of the state elections campaign fund in section 10A.31, subdivision 4. Costs of complaints relating to any other ballot question or elective office must be assessed against the county or counties in which the election is held. When the election is held in more than one county, the chief administrative law judge shall apportion the assessment among the counties in proportion to their respective populations within the election district to which the complaint relates according to the most recent decennial federal census.

Sec. 58. REVISOR'S INSTRUCTION.

The revisor of statutes shall change the phrase "subject to a civil penalty imposed by the board" or similar phrases to "subject to a civil penalty imposed by the Office of Administrative Hearings" wherever they appear in Minnesota Statutes, chapter 10A."

Page 32, line 10, after "sections" insert "10A.02, subdivisions 11 and 11a;"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Eken	Ingebrigtsen	Osmek	Senjem
Benson	Fischbach	Limmer	Pederson, J.	Stumpf
Brown	Gazelka	Newman	Petersen, B.	Thompson
Chamberlain	Hall	Nienow	Pratt	Weber
Dahms	Hann	Ortman	Rosen	

Those who voted in the negative were:

Bakk	Dziedzic	Latz	Saxhaug	Torres Ray
Bonoff	Eaton	Marty	Scalze	Westrom
Carlson	Franzen	Metzen	Schmit	Wiger
Champion	Hawj	Miller	Sheran	Wiklund
Clausen	Housley	Nelson	Sieben	
Cohen	Jensen	Pappas	Skoe	
Dahle	Johnson	Reinert	Sparks	
Dibble	Kent	Rest	Tomassoni	

The motion did not prevail. So the amendment was not adopted.

Senator Marty moved to amend S.F. No. 661 as follows:

Page 25, line 19, delete "\$90,000" and insert "\$75,000" and delete "\$30,000" and insert "\$20,000"

Page 25, line 21, delete "\$60,000" and insert "\$40,000"

Page 27, line 13, delete "\$1,000" and insert "\$700"

Page 27, line 14, delete "\$500" and insert "\$300"

Page 27, line 16, delete "\$1,000" and insert "\$700"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 34, as follows:

Those who voted in the affirmative were:

Benson	Fischbach	Kiffmeyer	Pederson, J.	Stumpf
Brown	Goodwin	Limmer	Pratt	Torres Ray
Carlson	Hawj	Marty	Reinert	Weber
Dahle	Hoffman	Miller	Scalze	Westrom
Dahms	Ingebrigtsen	Newman	Sheran	Wiger
Eken	Jensen	Osmek	Sparks	Wiklund

Those who voted in the negative were:

Anderson	Dziedzic	Housley	Nienow	Schmit
Bakk	Eaton	Johnson	Ortman	Senjem
Bonoff	Franzen	Kent	Pappas	Sieben
Chamberlain	Gazelka	Latz	Petersen, B.	Skoe
Champion	Hall	Lourey	Rest	Thompson
Clausen	Hann	Metzen	Rosen	Tomassoni
Cohen	Hayden	Nelson	Saxhaug	

The motion did not prevail. So the amendment was not adopted.

S.F. No. 661 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 36 and nays 28, as follows:

Those who voted in the affirmative were:

Bakk	Eaton	Johnson	Saxhaug	Tomassoni
Bonoff	Eken	Kent	Scalze	Torres Ray
Carlson	Franzen	Latz	Schmit	Wiger
Champion	Goodwin	Lourey	Sheran	Wiklund
Clausen	Hawj	Metzen	Sieben	
Cohen	Hayden	Pappas	Skoe	
Dahle	Hoffman	Reinert	Sparks	
Dziedzic	Jensen	Rest	Stumpf	

Those who voted in the negative were:

Anderson	Gazelka	Limmer	Ortman	Senjem
Benson	Hall	Marty	Osmek	Thompson
Brown	Hann	Miller	Pederson, J.	Weber
Chamberlain	Housley	Nelson	Petersen, B.	Westrom
Dahms	Ingebrigtsen	Newman	Pratt	
Fischbach	Kiffmeyer	Nienow	Rosen	

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

SPECIAL ORDER

S.F. No. 685: A bill for an act relating to civil commitment; requiring simultaneous competency, mental illness or defect, and civil commitment examinations for defendants; facilitating civil commitment hearings for defendants; amending Minnesota Statutes 2012, section 253B.07, subdivision 2a.

Senator Ortman moved to amend S.F. No. 685 as follows:

Page 1, line 10, delete ", mental illness or deficiency,"

Page 1, line 14, delete "20, and the examiner" and insert "20.01."

Page 1, delete lines 15 to 17 and insert "No additional examination under section 253B.07, subdivision 3, is required in a subsequent civil commitment proceeding unless a second examination is requested under section 253B.07, subdivision 3, by defense counsel appointed following the filing of any petition for commitment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 685 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Hann	Latz	Pederson, J.
Bakk	Dahms	Hawj	Limmer	Petersen, B.
Benson	Dziedzic	Hayden	Lourey	Pratt
Bonoff	Eaton	Hoffman	Miller	Reinert
Brown	Eken	Housley	Nelson	Rest
Carlson	Fischbach	Ingebrigtsen	Newman	Rosen
Chamberlain	Franzen	Jensen	Nienow	Scalze
Champion	Gazelka	Johnson	Ortman	Schmit
Clausen	Goodwin	Kent	Osmek	Senjem
Cohen	Hall	Kiffmeyer	Pappas	Sheran

Sieben
Skoe

Stumpf
Thompson

Weber
Westrom

Wiger
Wiklund

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

SPECIAL ORDER

S.F. No. 654: A bill for an act relating to human services; modifying provisions related to health care and medical assistance; amending Minnesota Statutes 2012, sections 62J.495, subdivision 15; 256.01, subdivision 34; 256.962, subdivision 8; 256B.0625, subdivisions 8, 8a, 8b, 17, 18e, 18f, 25; 256B.0755, subdivision 7; repealing Minnesota Rules, part 9505.0315, subpart 7, item D.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dziedzic	Housley	Nienow	Senjem
Bakk	Eaton	Ingebrigtsen	Ortman	Sheran
Benson	Eken	Jensen	Osmek	Sieben
Bonoff	Fischbach	Johnson	Pappas	Skoe
Brown	Franzen	Kent	Pederson, J.	Stumpf
Carlson	Gazelka	Kiffmeyer	Petersen, B.	Thompson
Chamberlain	Goodwin	Latz	Pratt	Weber
Champion	Hall	Limmer	Reinert	Westrom
Clausen	Hann	Lourey	Rest	Wiger
Cohen	Hawj	Miller	Rosen	Wiklund
Dahle	Hayden	Nelson	Scalze	
Dahms	Hoffman	Newman	Schmit	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1054.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 9, 2013

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 1054: A bill for an act relating to marriage; providing for civil marriage between two persons; providing for exemptions and protections based on religious association; amending

Minnesota Statutes 2012, sections 363A.26; 517.01; 517.03, subdivision 1; 517.08, subdivision 1a; 517.09; 518.07; proposing coding for new law in Minnesota Statutes, chapter 517.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 925, now on General Orders.

MEMBERS EXCUSED

Senators Koenen and Ruud were excused from the Session of today. Senator Goodwin was excused from the Session of today from 12:00 noon to 2:45 p.m. Senator Hoffman was excused from the Session of today from 12:00 noon to 3:10 p.m. Senator Stumpf was excused from the Session of today from 12:20 to 2:15 p.m. Senator Torres Ray was excused from the Session of today from 1:00 to 1:20 p.m. Senator Lourey was excused from the Session of today from 1:15 to 2:45 p.m. Senator Dibble was excused from the Session of today at 3:00 p.m. Senators Metzen, Saxhaug, Sparks and Tomassoni were excused from the Session of today at 3:10 p.m.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 9:00 a.m., Friday, May 10, 2013. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

