

ONE HUNDRED SECOND DAY

St. Paul, Minnesota, Wednesday, May 18, 2016

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Sieben 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. Amanda Lunemann.

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:

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1075, 1372, 1898, 3175, 2709 and 2733.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 17, 2016

Madam President:

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

S.F. No. 3589: A bill for an act relating to transportation; authorizing and governing implementation of requirements of the federal REAL ID Act; amending certain requirements governing driver's licenses and Minnesota identification cards; requiring rulemaking to implement a two-tier license system; amending Minnesota Statutes 2014, sections 97A.405, subdivision 2; 171.01, subdivision 37, by adding a subdivision; 171.017; 171.06, subdivision 3; 171.07, subdivisions 1, 4, 6, 7, 15, by adding subdivisions; 171.071, subdivision 3; 171.072; 171.12, subdivision 7; 171.27; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Laws 2009, chapter 92, section 1, as amended.

Senate File No. 3589 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 17, 2016

Senator Dibble moved that the Senate do not concur in the amendments by the House to S.F. No. 3589, 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.

Madam President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2963: A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; adding requirements for use of trust fund money; creating reimbursement procedures for the University of Minnesota for money from the environment and natural resources trust fund; amending Minnesota Statutes 2014, section 137.025, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116P.

There has been appointed as such committee on the part of the House:

Hackbarth, Green and Anzelc.

Senate File No. 2963 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 18, 2016

REPORTS OF COMMITTEES

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

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

H.F. No. 1291 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1291	1681				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 3333 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3333	3031				

and that the above Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. Nos. 1291 and 3333 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Senators Saxhaug, Anderson and Carlson introduced—

S.F. No. 3627: A resolution memorializing Congress to pass the National Guard 12304b Benefits Parity Act.

Referred to the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Senator Stumpf moved that S.F. No. 3415 be withdrawn from the Committee on Capital Investment, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 3415 was read the second time.

Senator Stumpf moved that S.F. No. 1988 be withdrawn from the Committee on Capital Investment, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 1988 was read the second time.

Senator Kent introduced –

Senate Resolution No. 285: A Senate resolution congratulating Charter Jacobson of Woodbury, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senators Kent and Wiger introduced –

Senate Resolution No. 286: A Senate resolution honoring the 3M African American Network on its 40th anniversary.

Referred to the Committee on Rules and Administration.

Senators Saxhaug, Bakk, Gazelka, Limmer and Stumpf introduced –

Senate Resolution No. 287: A Senate resolution honoring barber Ken Kirkpatrick on the occasion of his (semi) retirement.

Referred to the Committee on Rules and Administration.

Senator Weber introduced –

Senate Resolution No. 288: A Senate resolution recognizing the 40th anniversary of Glen's Food Center in Luverne, Minnesota.

Referred to the Committee on Rules and Administration.

Senator Bakk moved that H.F. No. 2841 be taken from the table and given a second reading. The motion prevailed.

H.F. No. 2841: A bill for an act relating to solid waste; providing for management of metropolitan landfill contingency action trust account; amending Minnesota Statutes 2014, section 473.845, subdivision 1.

H.F. No. 2841 was read the second time.

Senator Bakk moved that H.F. No. 2841 be laid on the table. The motion prevailed.

RECESS

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

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

CALL OF THE SENATE

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12.5, Senator Skoe moved that the following members be excused for a Conference Committee on H.F. No. 848 at 1:00 p.m.:

Senators Skoe, Rest, Dziedzic, Koenen and Gazelka. The motion prevailed.

APPOINTMENTS

Senator Bakk from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 3368: Senators Koenen, Jensen and Dahms.

S.F. No. 1440: Senators Rosen, Sheran, Benson.

S.F. No. 3018: Senators Sparks, Dahms and Eken.

S.F. No. 498: Senators Latz, Kent and Ingebrigtsen.

S.F. No. 3589: Senators Dibble, Kent and Rosen.

Senator Bakk moved that the foregoing appointments be approved. The motion prevailed.

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 Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

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

S.F. No. 3367: A resolution urging Congress to take action on the Interest for Others Act of 2016.

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

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

S.F. No. 2090: A resolution expressing concern over persistent and credible reports of systematic, state-sanctioned, forced organ harvesting from nonconsenting prisoners of conscience, primarily from Falun Gong practitioners imprisoned for their spiritual beliefs, and members of other religious and ethnic minority groups in the People's Republic of China.

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

Senator Bakk from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 3609: A bill for an act relating to civil actions; recognizing a property right in a person's name, voice, signature, photograph, or likeness; prohibiting unauthorized use; providing remedies; proposing coding for new law as Minnesota Statutes, chapter 564.

Reports the same back with the recommendation that Joint Rule 2.03 be suspended for all further proceeding on S.F. No. 3609 and that the report from the Committee on Judiciary, shown in the Journal for May 17, 2016, be amended to read:

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

Senator Bakk from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 588: A bill for an act relating to retirement; general state employees retirement plan of the Minnesota State Retirement System; modifying disability application deadlines in certain instances; amending Minnesota Statutes 2014, section 352.113, subdivisions 2, 4.

Reports the same back with the recommendation that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 588 and that the report from the Committee on State and Local Government, shown in the Journal for May 17, 2016, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 3367, 2090 and 588 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Tomassoni moved that S.F. No. 3376 be taken from the table, given a third reading, and placed on its final passage. The motion prevailed.

S.F. No. 3376: A bill for an act relating to environment; providing for sulfate effluent permit compliance.

CALL OF THE SENATE

Senator Tomassoni imposed a call of the Senate for the balance of the proceedings on S.F. No. 3376. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 3376 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 61 and nays 2, as follows:

Those who voted in the affirmative were:

Abeler	Eken	Johnson	Pappas	Skoe
Anderson	Fischbach	Kent	Pederson	Sparks
Bakk	Franzen	Kiffmeyer	Pratt	Thompson
Benson	Gazelka	Koenen	Reinert	Tomassoni
Bonoff	Goodwin	Latz	Rest	Torres Ray
Carlson	Hall	Limmer	Rosen	Weber
Chamberlain	Hann	Lourey	Ruud	Westrom
Clausen	Hawj	Marty	Saxhaug	Wiger
Cohen	Hayden	Metzen	Scalze	Wiklund
Dahle	Hoffman	Miller	Schmit	
Dahms	Housley	Nelson	Senjem	
Dibble	Ingebrigtsen	Newman	Sheran	
Dziedzic	Jensen	Osmeck	Sieben	

Those who voted in the negative were:

Eaton	Nienow
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So the bill passed and its title was agreed to.

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. Nos. 1372, 3370, 2294, 3281, 3102, 3469, 2607, 2955, 3384, 2552, 3142 and 3588.

SPECIAL ORDER

H.F. No. 1372: A bill for an act relating to civil law; providing trusts for animal care; modifying certain probate provisions; enacting the Revised Uniform Fiduciary Access to Digital Assets Act; clarifying certain provisions for receiverships and assignments for the benefit of creditors; providing for a short form of assignment for recording with a deed to transfer real property; updating references throughout Minnesota Statutes to include limited liability companies under the Minnesota Revised Uniform Limited Liability Company Act; clarifying certain fees; making other business organization clarifying changes; amending Minnesota Statutes 2014, sections 5.001, subdivision 2; 5.25, subdivisions 1, 3; 115D.03, subdivision 6a; 116J.395, subdivision 3; 211B.15, subdivision 1; 216B.1612, subdivision 2; 302A.651, subdivision 4; 308B.005, subdivision 18; 319B.02, subdivisions 10, 12; 322C.0201, subdivision 4; 322C.0205, subdivision 1; 322C.0208; 322C.1011, subdivisions 1, 2; 484.73, subdivision 2; 524.1-201; 524.2-102; 524.2-202; 524.2-301; 524.2-403; 524.2-404; 524.2-606; 524.3-406; 524.3-1201; 524.3-1203, subdivision 5; 559.17, subdivision 2; 576.22; 576.29, subdivision 1; 576.30; 576.45, subdivision 3; 576.47; 577.12; 577.15; Minnesota Statutes 2015 Supplement, sections 5.25, subdivision 5; 124E.05, subdivision 1; 302A.471, subdivision 1; 322C.0105, subdivision 1a; 322C.0407, subdivision 4; 322C.1007, subdivision 1; 501C.0110; 501C.0402; 501C.0409; proposing coding for new law in Minnesota Statutes, chapters 501C; 524; proposing coding for new law as Minnesota Statutes, chapter 521A.

Senator Dibble moved that the amendment made to H.F. No. 1372 by the Committee on Rules and Administration in the report adopted May 17, 2016, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1372 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Jensen	Newman	Schmit
Anderson	Eken	Johnson	Nienow	Senjem
Benson	Fischbach	Kent	Osmek	Sheran
Bonoff	Franzen	Kiffmeyer	Pappas	Sparks
Carlson	Hall	Latz	Pederson	Thompson
Chamberlain	Hann	Limmer	Pratt	Tomassoni
Clausen	Hawj	Lourey	Reinert	Torres Ray
Cohen	Hayden	Marty	Rosen	Weber
Dahle	Hoffman	Metzen	Ruud	Westrom
Dahms	Housley	Miller	Saxhaug	Wiger
Dibble	Ingebrigtsen	Nelson	Scalze	Wiklund

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3370: A bill for an act relating to public safety; requiring written statement for change of information by registered predatory offenders; authorizing access to registration data by child protection workers for determination of child residence with predatory offender; amending Minnesota Statutes 2014, sections 243.166, subdivision 7, by adding a subdivision; 299C.093.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Jensen	Nienow	Senjem
Anderson	Eken	Johnson	Osmek	Sheran
Benson	Fischbach	Kent	Pappas	Sparks
Bonoff	Franzen	Kiffmeyer	Pederson	Thompson
Carlson	Hall	Latz	Pratt	Tomassoni
Clausen	Hann	Limmer	Reinert	Torres Ray
Cohen	Hawj	Lourey	Rosen	Weber
Dahle	Hayden	Metzen	Ruud	Westrom
Dahms	Hoffman	Miller	Saxhaug	Wiger
Dibble	Housley	Nelson	Scalze	Wiklund
Dziedzic	Ingebrigtsen	Newman	Schmit	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2294: A bill for an act relating to marriage; eliminating waiting period for issuance of a marriage license; amending Minnesota Statutes 2015 Supplement, section 517.08, subdivision 1b.

Senator Dziedzic moved that the amendment made to H.F. No. 2294 by the Committee on Rules and Administration in the report adopted May 17, 2016, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2294 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 49 and nays 4, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Jensen	Newman	Schmit
Benson	Eken	Johnson	Osmek	Sheran
Bonoff	Fischbach	Kent	Pappas	Sparks
Carlson	Franzen	Koenen	Pederson	Tomassoni
Chamberlain	Hall	Latz	Pratt	Torres Ray
Clausen	Hann	Limmer	Reinert	Weber
Dahle	Hawj	Lourey	Rosen	Westrom
Dahms	Hayden	Metzen	Ruud	Wiger
Dibble	Housley	Miller	Saxhaug	Wiklund
Dziedzic	Ingebrigtsen	Nelson	Scalze	

Those who voted in the negative were:

Anderson	Kiffmeyer	Nienow	Thompson
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So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3281: A bill for an act relating to lawful gambling; providing for raffle boards; amending Minnesota Statutes 2014, sections 297E.02, subdivisions 6a, 7; 349.2125, subdivision 1; 349.2127, subdivisions 2, 3, 4.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Jensen	Newman	Schmit
Anderson	Eken	Johnson	Nienow	Senjem
Benson	Fischbach	Kent	Osmek	Sheran
Bonoff	Franzen	Kiffmeyer	Pappas	Sparks
Carlson	Goodwin	Koenen	Pederson	Thompson
Chamberlain	Hall	Latz	Pratt	Tomassoni
Clausen	Hann	Limmer	Reinert	Torres Ray
Cohen	Hawj	Lourey	Rosen	Weber
Dahle	Hayden	Metzen	Ruud	Westrom
Dahms	Housley	Miller	Saxhaug	Wiger
Dibble	Ingebrigtsen	Nelson	Scalze	Wiklund

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3102: A bill for an act relating to lawful gambling; modifying provisions relating to gambling managers; providing for certain raffles; increasing prize limits; prescribing local

regulation; amending Minnesota Statutes 2014, sections 349.12, subdivision 19, by adding subdivisions; 349.13; 349.168, subdivision 1; 349.17, by adding a subdivision; 349.213, subdivision 1; Minnesota Statutes 2015 Supplement, sections 349.12, subdivisions 18, 21a; 349.173; 349.211, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Kent	Pederson	Thompson
Anderson	Eken	Kiffmeyer	Pratt	Tomassoni
Benson	Fischbach	Latz	Reinert	Torres Ray
Bonoff	Franzen	Lourey	Rosen	Weber
Carlson	Goodwin	Metzen	Ruud	Westrom
Chamberlain	Hawj	Miller	Saxhaug	Wiger
Clausen	Hayden	Nelson	Scalze	Wiklund
Cohen	Housley	Newman	Schmit	
Dahle	Ingebrigtsen	Nienow	Senjem	
Dahms	Jensen	Osmek	Sheran	
Dibble	Johnson	Pappas	Sparks	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3469: A bill for an act relating to crime; modifying crime and increasing sentence of interfering with a body or scene of death; appropriating money; amending Minnesota Statutes 2014, section 609.502, subdivision 1, by adding subdivisions.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Ingebrigtsen	Nienow	Senjem
Anderson	Eken	Jensen	Osmek	Sheran
Benson	Fischbach	Kent	Pappas	Sieben
Bonoff	Franzen	Kiffmeyer	Pederson	Sparks
Carlson	Gazelka	Latz	Pratt	Thompson
Chamberlain	Goodwin	Limmer	Reinert	Tomassoni
Clausen	Hall	Lourey	Rosen	Torres Ray
Cohen	Hann	Metzen	Ruud	Weber
Dahle	Hawj	Miller	Saxhaug	Westrom
Dahms	Hayden	Nelson	Scalze	Wiger
Dibble	Housley	Newman	Schmit	Wiklund

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2607: A bill for an act relating to human services; modifying certain nursing facilities requirements; amending Minnesota Statutes 2014, section 144A.071, subdivisions 4c, 4d; Minnesota Statutes 2015 Supplement, section 256B.441, subdivisions 13, 53.

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 0, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Jensen	Osmek	Sieben
Anderson	Eken	Kent	Pappas	Sparks
Benson	Fischbach	Kiffmeyer	Pederson	Thompson
Bonoff	Franzen	Latz	Pratt	Tomassoni
Carlson	Gazelka	Limmer	Reinert	Torres Ray
Chamberlain	Goodwin	Lourey	Rosen	Weber
Clausen	Hall	Marty	Ruud	Westrom
Cohen	Hann	Metzen	Saxhaug	Wiger
Dahle	Hawj	Miller	Scalze	Wiklund
Dahms	Hayden	Nelson	Schmit	
Dibble	Housley	Newman	Senjem	
Dziedzic	Ingebrigtsen	Nienow	Sheran	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2955: A bill for an act relating to human rights; establishing requirement for demand letter involving architectural barriers limiting accessibility; providing for accessibility audits; amending Minnesota Statutes 2014, section 363A.28, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 363A.

Senator Dziedzic moved to amend H.F. No. 2955, as amended pursuant to Rule 45, adopted by the Senate May 11, 2016, as follows:

(The text of the amended House File is identical to S.F. No. 2584.)

Page 1, delete section 1

Page 2, line 22, before "public" insert "business establishments or"

Page 2, line 28, delete the colon

Page 2, delete lines 29 and 30

Page 2, line 31, delete "(2)"

Page 2, delete lines 33 and 34

Page 3, line 2, delete the second "person" and insert "business establishment or place of public accommodation"

Page 3, line 3, delete everything before "has"

Page 3, line 4, delete "when a remedy is easily accomplishable" and insert "must be dated and"

Page 3, delete lines 5 and 6

Page 3, line 7, delete "(2)" and insert "(1)" and delete "and"

Page 3, after line 7, insert:

"(2) identify each architectural barrier that is the subject of an alleged violation and specify its location on the premises;"

Page 3, line 8, delete "to respond" and insert "for a response" and delete "must be no" and insert "may not be" and delete the period and insert "; and"

Page 3, after line 8, insert:

"(4) comply with subdivision 3."

Page 3, line 11, after the period, insert "If a notice is sent, a civil action may not be filed before expiration of the period to respond provided in the notice."

Page 3, delete lines 12 to 14

Page 3, delete subdivision 3 and insert:

"Subd. 3. **Statutory short form; notice of architectural barrier.** A notice of an architectural barrier must be in the following, or a substantially similar, form:

"This notice is to advise you of a claim that [insert name of business establishment or place of public accommodation] is in violation of the Americans with Disabilities Act and/or the Minnesota Human Rights Act for failure to remove one or more architectural barriers limiting access to the premises by persons with disabilities.

Allegation of Violation

The undersigned attorney represents [insert client's name or organization], who alleges that [insert name of business establishment or place of public accommodation] is in violation of [insert citation of all statute(s) and rule(s) alleged to be violated] because [insert client's name] attempted on [insert date(s)] to access [insert name of business establishment or place of public accommodation] but was unable to or was deterred from doing so due to the following architectural barrier or barriers limiting access by persons with disabilities: [insert description of each architectural barrier that is the subject of the alleged violation and its location on the premises].

Accessibility Audit

Licensed, registered, or otherwise certified professionals with knowledge of the Americans with Disabilities Act and Minnesota Human Rights Act requirements regarding physical barriers to access may be available to conduct an audit of your business establishment or place of public accommodation to advise you regarding compliance with the law. For more information, contact the Minnesota State Council on Disability at 1-800-945-8913 or visit MSCOD's Web site at <http://www.disability.state.mn.us>.

Response

Please contact, or have your attorney contact, the undersigned attorney no later than [insert date by which response is required] to provide a response or if you would like to engage in prelitigation settlement negotiations. Failure to respond to this notice may result in a lawsuit being filed against you."

Page 4, delete lines 4 and 5, and insert "against a business establishment or place of public accommodation for violation of accessibility requirements under law,"

Page 4, line 13, delete everything after the second "a" and insert "business establishment or place of public accommodation for violation of accessibility requirements under law"

Page 4, line 14, delete everything before the first "a"

Page 4, after line 19, insert:

"Subd. 5. Exemptions. (a) Subdivisions 2 and 3 do not apply to:

(1) a person who is not represented by an attorney; or

(2) attorneys representing the state or a political subdivision of the state.

(b) This section does not bar a person from bringing an action if the person:

(1) is challenging a finding contained in an audit prepared by a certified professional;

(2) has a claim for damages resulting from an injury; or

(3) has filed charges pursuant to section 363A.28."

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. 2955 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:

Abeler	Eken	Johnson	Nienow	Sheran
Anderson	Fischbach	Kent	Osmek	Sieben
Benson	Franzen	Kiffmeyer	Pappas	Sparks
Bonoff	Gazelka	Koenen	Pederson	Thompson
Carlson	Goodwin	Latz	Pratt	Tomassoni
Chamberlain	Hall	Limmer	Reinert	Torres Ray
Clausen	Hann	Lourey	Rosen	Weber
Dahle	Hawj	Marty	Ruud	Westrom
Dahms	Hoffman	Metzen	Saxhaug	Wiger
Dibble	Housley	Miller	Scalze	Wiklund
Dziedzic	Ingebrigtsen	Nelson	Schmit	
Eaton	Jensen	Newman	Senjem	

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

SPECIAL ORDER

H.F. No. 3384: A bill for an act relating to insurance; making changes to the life insurance reserves; amending Minnesota Statutes 2014, sections 61A.24, subdivision 12, by adding a subdivision; 61A.25.

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 55 and nays 8, as follows:

Those who voted in the affirmative were:

Abeler	Fischbach	Johnson	Ortman	Schmit
Anderson	Franzen	Kent	Osmek	Senjem
Benson	Gazelka	Kiffmeyer	Pappas	Sheran
Bonoff	Hall	Koenen	Pederson	Skoe
Chamberlain	Hann	Limmer	Pratt	Sparks
Champion	Hawj	Lourey	Reinert	Thompson
Clausen	Hayden	Metzen	Rest	Tomassoni
Cohen	Hoffman	Miller	Rosen	Weber
Dahle	Housley	Nelson	Ruud	Westrom
Dahms	Ingebrigtsen	Newman	Saxhaug	Wiger
Eken	Jensen	Nienow	Scalze	Wiklund

Those who voted in the negative were:

Carlson	Eaton	Latz	Sieben
Dibble	Goodwin	Marty	Torres Ray

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2552: A bill for an act relating to orders for protection; eliminating mandatory hearing requirement for subsequent orders and extensions; amending Minnesota Statutes 2014, section 518B.01, subdivisions 6a, 11, 18.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3142: A bill for an act relating to health; amending provisions for the statewide trauma system, home care, hearing instrument dispensers, Zika preparedness, and food, beverage, and lodging establishments; amending Minnesota Statutes 2014, sections 144.605, subdivision 5; 144.608, subdivision 1; 144A.473, subdivision 2; 144A.475, subdivisions 3, 3b, by adding a subdivision; 144A.4791, by adding a subdivision; 144A.4792, subdivision 13; 144A.4799, subdivisions 1, 3; 144A.482; 144D.01, subdivision 2a; 144G.03, subdivisions 2, 4; 153A.14,

subdivisions 2d, 2h; 153A.15, subdivision 2a; 157.15, subdivision 14; 157.16, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144.

Senator Sheran moved that the amendment made to H.F. No. 3142 by the Committee on Rules and Administration in the report adopted May 17, 2016, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

CALL OF THE SENATE

Senator Sheran imposed a call of the Senate for the balance of the proceedings on H.F. No. 3142. The Sergeant at Arms was instructed to bring in the absent members.

Senator Sheran moved to amend H.F. No. 3142 as follows:

Page 12, after line 12, insert:

"Section 16. [147.0375] MEDICAL FACULTY LICENSE.

Subdivision 1. Requirements. The board shall issue a license to practice medicine to any person who satisfies the requirements in paragraphs (a) to (g).

(a) The applicant must satisfy all the requirements established in section 147.02, subdivision 1, paragraphs (a), (e), (f), (g), and (h).

(b) The applicant must present evidence satisfactory to the board that the applicant is a graduate of a medical or osteopathic school approved by the board as equivalent to accredited United States or Canadian schools based upon its faculty, curriculum, facilities, accreditation, or other relevant data. If the applicant is a graduate of a medical or osteopathic program that is not accredited by the Liaison Committee for Medical Education or the American Osteopathic Association, the applicant may use the Federation of State Medical Boards' Federation Credentials Verification Service (FCVS) or its successor. If the applicant uses this service as allowed under this paragraph, the physician application fee may be less than \$200 but must not exceed the cost of administering this paragraph.

(c) The applicant must present evidence satisfactory to the board of the completion of two years of graduate, clinical medical training in a program located in the United States, its territories, or Canada and accredited by a national accrediting organization approved by the board. This requirement does not apply:

(1) to an applicant who is admitted as a permanent immigrant to the United States on or before October 1, 1991, as a person of exceptional ability in the sciences according to Code of Federal Regulations, title 20, section 656.22(d);

(2) to an applicant holding a valid license to practice medicine in another state or country and issued a permanent immigrant visa after October 1, 1991, as a person of extraordinary ability in the field of science or as an outstanding professor or researcher according to Code of Federal Regulations, title 8, section 204.5(h) and (i), or a temporary nonimmigrant visa or status as a person of extraordinary ability in the field of science according to Code of Federal Regulations, title 8, section 214.2(o); or

(3) to an applicant who is licensed in another state, has practiced five years without disciplinary action in the United States, its territories, or Canada, has completed one year of the graduate, clinical

medical training required by this paragraph, and has passed the Special Purpose Examination of the Federation of State Medical Boards within three attempts in the 24 months before licensing.

(d) The applicant must present evidence satisfactory to the board that the applicant has been appointed to serve as a faculty member of a medical school accredited by the Liaison Committee of Medical Education or an osteopathic medical school accredited by the American Osteopathic Association.

Subd. 2. **Medical school review.** The board may contract with any qualified person or organization for the performance of a review or investigation, including site visits if necessary, of any medical or osteopathic school prior to approving the school under section 147.02, subdivision 1, paragraph (b), or subdivision 1, paragraph (b), of this section. To the extent possible, the board shall require the school being reviewed to pay the costs of the review or investigation.

Subd. 3. **Resignation or termination for the medical faculty position.** If a person holding a license issued under this section resigns or is terminated from the academic medical center in which the licensee is employed as a faculty member, the licensee must notify the board in writing no later than 30 days after the date of termination or resignation. Upon notification of resignation or termination, the board shall terminate the medical license.

Subd. 4. **Reporting obligation.** A person holding a license issued under this section is subject to the reporting obligations of section 147.111.

Subd. 5. **Limitation of practice.** A person issued a license under this section may only practice medicine within the clinical setting of the academic medical center where the licensee is an appointed faculty member or within a physician group practice affiliated with the academic medical center.

Subd. 6. **Continuing education.** The licensee must meet the continuing education requirements under Minnesota rules, chapter 5605.

Subd. 7. **Expiration.** This section expires July 1, 2018."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Dibble moved to amend H.F. No. 3142 as follows:

Page 12, after line 12, insert:

"Sec. 16. Minnesota Statutes 2014, section 152.22, subdivision 14, is amended to read:

Subd. 14. **Qualifying medical condition.** "Qualifying medical condition" means a diagnosis of any of the following conditions:

- (1) cancer, if the underlying condition or treatment produces one or more of the following:
 - (i) severe or chronic pain;
 - (ii) nausea or severe vomiting; or
 - (iii) cachexia or severe wasting;

- (2) glaucoma;
- (3) human immunodeficiency virus or acquired immune deficiency syndrome;
- (4) Tourette's syndrome;
- (5) amyotrophic lateral sclerosis;
- (6) seizures, including those characteristic of epilepsy;
- (7) severe and persistent muscle spasms, including those characteristic of multiple sclerosis;
- (8) inflammatory bowel disease, including Crohn's disease;
- (9) terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
 - (i) severe or chronic pain;
 - (ii) nausea or severe vomiting; or
 - (iii) cachexia or severe wasting; or
- (10) any other medical condition or its treatment approved by the commissioner.

Sec. 17. Minnesota Statutes 2014, section 152.25, subdivision 3, is amended to read:

Subd. 3. **Deadlines.** ~~(a)~~ The commissioner shall adopt rules necessary for the manufacturer to begin distribution of medical cannabis to patients under the registry program by July 1, 2015, and have notice of proposed rules published in the State Register prior to January 1, 2015.

~~(b) The commissioner shall, by November 1, 2014, advise the public and the cochairs of the task force on medical cannabis therapeutic research established under section 152.36 if the commissioner is unable to register two manufacturers by the December 1, 2014, deadline. The commissioner shall provide a written statement as to the reason or reasons the deadline will not be met. Upon request of the commissioner, the task force shall extend the deadline by six months, but may not extend the deadline more than once.~~

~~(c) If notified by a manufacturer that distribution to patients may not begin by the July 1, 2015, deadline, the commissioner shall advise the public and the cochairs of the task force on medical cannabis therapeutic research. Upon notification by the commissioner, the task force shall extend the deadline by six months, but may not extend the deadline more than once.~~

Sec. 18. Minnesota Statutes 2014, section 152.25, subdivision 4, is amended to read:

Subd. 4. **Reports.** (a) The commissioner shall provide regular updates to the task force and to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services, public safety, judiciary, and civil law on medical cannabis therapeutic research regarding any changes in federal law or regulatory restrictions regarding the use of medical cannabis.

(b) The commissioner may submit medical research based on the data collected under sections 152.22 to 152.37 to any federal agency with regulatory or enforcement authority over medical cannabis to demonstrate the effectiveness of medical cannabis for treating a qualifying medical condition.

Sec. 19. Minnesota Statutes 2014, section 152.29, subdivision 3, is amended to read:

Subd. 3. **Manufacturer; distribution.** (a) A manufacturer shall require that employees licensed as pharmacists pursuant to chapter 151 be the only employees to ~~distribute~~ give final approval for the distribution of medical cannabis to a patient.

(b) A manufacturer may dispense medical cannabis products, whether or not the products have been manufactured by the manufacturer, but is not required to dispense medical cannabis products.

(c) Prior to distribution of any medical cannabis, the manufacturer shall:

(1) verify that the manufacturer has received the registry verification from the commissioner for that individual patient;

(2) verify that the person requesting the distribution of medical cannabis is the patient, the patient's registered designated caregiver, or the patient's parent or legal guardian listed in the registry verification using the procedures described in section 152.11, subdivision 2d;

(3) assign a tracking number to any medical cannabis distributed from the manufacturer;

(4) ensure that any employee of the manufacturer licensed as a pharmacist pursuant to chapter 151 has consulted with the patient to determine the proper dosage for the individual patient after reviewing the ranges of chemical compositions of the medical cannabis and the ranges of proper dosages reported by the commissioner. For purposes of this clause, a consultation may be conducted remotely using a videoconference, so long as the employee providing the consultation is able to confirm the identity of the patient, the consultation occurs while the patient is at a distribution facility, and the consultation adheres to patient privacy requirements that apply to health care services delivered through telemedicine;

(5) properly package medical cannabis in compliance with the United States Poison Prevention Packing Act regarding child-resistant packaging and exemptions for packaging for elderly patients, and label distributed medical cannabis with a list of all active ingredients and individually identifying information, including:

(i) the patient's name and date of birth;

(ii) the name and date of birth of the patient's registered designated caregiver or, if listed on the registry verification, the name of the patient's parent or legal guardian, if applicable;

(iii) the patient's registry identification number;

(iv) the chemical composition of the medical cannabis; and

(v) the dosage; and

(6) ensure that the medical cannabis distributed contains a maximum of a 30-day supply of the dosage determined for that patient.

(d) A manufacturer shall require any employee of the manufacturer who is transporting medical cannabis or medical cannabis products to a distribution facility to carry identification showing that the person is an employee of the manufacturer.

Sec. 20. Minnesota Statutes 2014, section 152.29, is amended by adding a subdivision to read:

Subd. 3a. **Transportation of medical cannabis; staffing.** A medical cannabis manufacturer may staff a transport motor vehicle with only one employee if the medical cannabis manufacturer is transporting medical cannabis to either a certified laboratory for the purpose of testing or a facility for the purpose of disposal. If the medical cannabis manufacturer is transporting medical cannabis for any other purpose or destination, the transport motor vehicle must be staffed with a minimum of two employees as required by rules adopted by the commissioner.

Sec. 21. Minnesota Statutes 2014, section 152.36, is amended by adding a subdivision to read:

Subd. 1a. **Administration.** The commissioner of health shall provide administrative and technical support to the task force.

Sec. 22. Minnesota Statutes 2014, section 152.36, subdivision 2, is amended to read:

Subd. 2. **Impact assessment.** The task force shall hold hearings to ~~conduct an assessment that evaluates~~ evaluate the impact of the use of medical cannabis and ~~evaluates~~ Minnesota's activities and ~~other states' activities~~ involving medical cannabis, and ~~offer analysis of~~ including, but not limited to:

- (1) program design and implementation;
- (2) the impact on the health care provider community;
- (3) patient experiences;
- (4) the impact on the incidence of substance abuse;
- (5) access to and quality of medical cannabis and medical cannabis products;
- (6) the impact on law enforcement and prosecutions;
- (7) public awareness and perception; and
- (8) any unintended consequences."

Page 14, after line 8, insert:

"Sec. 28. **APPROPRIATION.**

\$24,000 is appropriated in fiscal year 2017 to the commissioner of health to administer the task force on medical cannabis therapeutic research under Minnesota Statutes, section 152.36, and for the task force to conduct the impact assessment on the use of cannabis for medicinal purposes.

Sec. 29. **APPROPRIATION CANCELLATION.**

Effective July 1, 2016, the appropriation in Laws 2014, chapter 311, section 21, subdivision 2, of \$24,000 to the Legislative Coordinating Commission is canceled to the general fund."

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 47 and nays 14, as follows:

Those who voted in the affirmative were:

Abeler	Dziedzic	Jensen	Nienow	Sieben
Benson	Eaton	Johnson	Pappas	Sparks
Bonoff	Eken	Kent	Pratt	Thompson
Carlson	Franzen	Koenen	Reinert	Tomassoni
Chamberlain	Goodwin	Latz	Rest	Torres Ray
Champion	Hall	Lourey	Saxhaug	Wiger
Clausen	Hawj	Marty	Scalze	Wiklund
Cohen	Hayden	Miller	Schmit	
Dahle	Hoffman	Nelson	Senjem	
Dibble	Housley	Newman	Sheran	

Those who voted in the negative were:

Anderson	Gazelka	Kiffmeyer	Osmek	Ruud
Dahms	Hann	Limmer	Pederson	Weber
Fischbach	Ingebrigtsen	Ortman	Rosen	

The motion prevailed. So the amendment was adopted.

Senator Wiklund moved to amend H.F. No. 3142 as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 2015 Supplement, section 62U.04, subdivision 11, is amended to read:

Subd. 11. **Restricted uses of the all-payer claims data.** (a) Notwithstanding subdivision 4, paragraph (b), and subdivision 5, paragraph (b), the commissioner or the commissioner's designee shall only use the data submitted under subdivisions 4 and 5 for the following purposes:

(1) to evaluate the performance of the health care home program as authorized under sections 256B.0751, subdivision 6, and 256B.0752, subdivision 2;

(2) to study, in collaboration with the reducing avoidable readmissions effectively (RARE) campaign, hospital readmission trends and rates;

(3) to analyze variations in health care costs, quality, utilization, and illness burden based on geographical areas or populations;

(4) to evaluate the state innovation model (SIM) testing grant received by the Departments of Health and Human Services, including the analysis of health care cost, quality, and utilization baseline and trend information for targeted populations and communities; and

(5) to compile one or more public use files of summary data or tables that must:

(i) be available to the public for no or minimal cost by March 1, 2016, and available by Web-based electronic data download by June 30, 2019;

(ii) not identify individual patients, payers, or providers;

(iii) be updated by the commissioner, at least annually, with the most current data available;

(iv) contain clear and conspicuous explanations of the characteristics of the data, such as the dates of the data contained in the files, the absence of costs of care for uninsured patients or nonresidents, and other disclaimers that provide appropriate context; and

(v) not lead to the collection of additional data elements beyond what is authorized under this section as of June 30, 2015.

(b) The commissioner may publish the results of the authorized uses identified in paragraph (a) so long as the data released publicly do not contain information or descriptions in which the identity of individual hospitals, clinics, or other providers may be discerned.

(c) Nothing in this subdivision shall be construed to prohibit the commissioner from using the data collected under subdivision 4 to complete the state-based risk adjustment system assessment due to the legislature on October 1, 2015.

(d) The commissioner or the commissioner's designee may use the data submitted under subdivisions 4 and 5 for the purpose described in paragraph (a), clause (3), until July 1, ~~2016~~ 2019.

(e) The commissioner shall consult with the all-payer claims database work group established under subdivision 12 regarding the technical considerations necessary to create the public use files of summary data described in paragraph (a), clause (5)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hoffman moved to amend H.F. No. 3142 as follows:

Page 12, after line 12, insert:

"Sec. 16. Minnesota Statutes 2014, section 146B.01, subdivision 28, is amended to read:

Subd. 28. **Supervision.** "Supervision" means the physical presence of a technician licensed under this chapter while a body art procedure is being performed and includes:

(1) "direct supervision" where a licensed technician is physically present in the establishment, and is within five feet and is in the line of sight of the temporary licensee who is performing a body art procedure while the procedure is being performed; and

(2) "indirect supervision" where a licensed technician is physically present in the establishment while a body art procedure is being performed by the temporary licensee.

Sec. 17. Minnesota Statutes 2014, section 146B.03, subdivision 4, is amended to read:

Subd. 4. **Licensure requirements.** (a) An applicant for licensure under this section ~~shall~~ must submit to the commissioner on a form provided by the commissioner:

(1) proof that the applicant is over the age of 18;

(2) the type of license the applicant is applying for;

(3) all fees required under section 146B.10;

(4) proof of completing a minimum of 200 hours of supervised experience within each area for which the applicant is seeking a license, and must include an affidavit from the supervising licensed technician;

(5) proof of having satisfactorily completed coursework within the year preceding application and approved by the commissioner on bloodborne pathogens, the prevention of disease transmission,

infection control, and aseptic technique. Courses to be considered for approval by the commissioner may include, but are not limited to, those administered by one of the following:

- (i) the American Red Cross;
 - (ii) United States Occupational Safety and Health Administration (OSHA); or
 - (iii) the Alliance of Professional Tattooists; and
- (6) any other relevant information requested by the commissioner.

The licensure requirements in this paragraph are effective for all applications for new licenses received before January 1, 2017.

(b) An applicant for licensure under this section must submit to the commissioner on a form provided by the commissioner:

- (1) proof that the applicant is over the age of 18;
- (2) the type of license the applicant is applying for;
- (3) all fees required under section 146B.10;
- (4) a log showing the completion of the required supervised experience described under subdivision 12 that includes a list of each licensed technician who provided the required supervision;
- (5) a signed affidavit from each licensed technician who the applicant listed in the log described in clause (4);
- (6) proof of having satisfactorily completed a minimum of five hours of coursework, within the year preceding application and approval by the commissioner, on bloodborne pathogens, the prevention of disease transmission, infection control, and aseptic technique. Courses to be considered for approval by the commissioner may include, but are not limited to, those administered by one of the following:

- (i) the American Red Cross;
 - (ii) the United States Occupational Safety and Health Administration (OSHA); or
 - (iii) the Alliance of Professional Tattooists; and
- (7) any other relevant information requested by the commissioner.

The licensure requirements in this paragraph are effective for all applications for new licenses received on or after January 1, 2017.

Sec. 18. Minnesota Statutes 2014, section 146B.03, subdivision 6, is amended to read:

Subd. 6. **Licensure term; renewal.** (a) A technician's license is valid for two years from the date of issuance and may be renewed upon payment of the renewal fee established under section 146B.10.

(b) At renewal, a licensee must submit proof of continuing education approved by the commissioner in the areas identified in subdivision 4, ~~clause (5)~~.

(c) The commissioner shall notify the technician of the pending expiration of a technician license at least 60 days prior to license expiration.

Sec. 19. Minnesota Statutes 2014, section 146B.03, subdivision 7, is amended to read:

Subd. 7. **Temporary licensure.** (a) The commissioner may issue a temporary license to an applicant who submits to the commissioner on a form provided by the commissioner:

- (1) proof that the applicant is over the age of 18;
- (2) all fees required under section 148B.10; and
- (3) a letter from a licensed technician who has agreed to provide the supervision to meet the supervised experience requirement under subdivision 4, ~~clause (4)~~.

(b) Upon completion of the required supervised experience, the temporary licensee shall submit documentation of satisfactorily completing the requirements under subdivision 4, ~~clauses (3) and (4)~~; and the applicable fee under section 146B.10. The commissioner shall issue a new license in accordance with subdivision 4.

(c) A temporary license issued under this subdivision is valid for one year and may be renewed for one additional year.

Sec. 20. Minnesota Statutes 2014, section 146B.03, is amended by adding a subdivision to read:

Subd. 12. **Required supervised experience.** An applicant for a body art technician license must complete the following minimum supervised experience for licensure:

- (1) for a tattoo technician license an applicant must complete a minimum of 200 hours of tattoo experience under supervision;
- (2) for a body piercing technician license an applicant must perform 250 body piercings under direct supervision and 250 body piercings under indirect supervision; and
- (3) for a dual body art technician license an applicant must complete a minimum of 200 hours of tattoo experience under supervision and perform 250 body piercings under direct supervision and 250 body piercings under indirect supervision.

Sec. 21. Minnesota Statutes 2014, section 146B.07, subdivision 1, is amended to read:

Subdivision 1. **Proof of age.** (a) A technician shall require proof of age from clients who state they are 18 years of age or older before performing any body art procedure on a client. Proof of age must be established by one of the following methods:

- (1) a valid driver's license or identification card issued by the state of Minnesota or another state that includes a photograph and date of birth of the individual;
- (2) a valid military identification card issued by the United States Department of Defense;
- (3) a valid passport;
- (4) a resident alien card; or
- (5) a tribal identification card.

(b) Before performing any body art procedure, the technician must provide the client with a disclosure and authorization form that indicates whether the client has:

- (1) diabetes;
- (2) a history of hemophilia;
- (3) a history of skin diseases, skin lesions, or skin sensitivities to soap or disinfectants;
- (4) a history of epilepsy, seizures, fainting, or narcolepsy;
- (5) any condition that requires the client to take medications such as anticoagulants that thin the blood or interfere with blood clotting; or
- (6) any other information that would aid the technician in the body art procedure process evaluation.

(c) The form must include a statement informing the client that the technician shall not perform a body art procedure if the client fails to complete or sign the disclosure and authorization form, and the technician may decline to perform a body art procedure if the client has any identified health conditions.

(d) The technician shall ask the client to sign and date the disclosure and authorization form confirming that the information listed on the form is accurate.

(e) Before performing any body art procedure, the technician shall offer and make available to the client personal draping, as appropriate.

Sec. 22. Minnesota Statutes 2014, section 146B.07, subdivision 2, is amended to read:

Subd. 2. Parent or legal guardian consent; prohibitions. (a) A technician may perform body piercings on an individual under the age of 18 if:

- (1) the individual's parent or legal guardian is present and;
- (2) the individual's parent or legal guardian provides personal identification by using one of the methods described in subdivision 1, paragraph (a), clauses (1) to (5), and provides documentation that reasonably establishes that the individual is the parent or legal guardian of the individual who is seeking the body piercing;
- (3) the individual seeking the body piercing provides proof of identification by using one of the methods described in subdivision 1, paragraph (a), clauses (1) to (5), a current student identification, or another official source that includes the name and a photograph of the individual;
- (4) a consent form and the authorization form under subdivision 1, paragraph (b) is signed by the parent or legal guardian in the presence of the technician; and
- (5) the piercing is not prohibited under paragraph (c).

(b) No technician shall tattoo any individual under the age of 18 regardless of parental or guardian consent.

(c) No nipple or genital piercing, branding, scarification, suspension, subdermal implantation, microdermal, or tongue bifurcation shall be performed by any technician on any individual under the age of 18 regardless of parental or guardian consent.

(d) No technician shall perform body art procedures on any individual who appears to be under the influence of alcohol, controlled substances as defined in section 152.01, subdivision 4, or hazardous substances as defined in rules adopted under chapter 182.

(e) No technician shall perform body art procedures while under the influence of alcohol, controlled substances as defined under section 152.01, subdivision 4, or hazardous substances as defined in the rules adopted under chapter 182.

(f) No technician shall administer anesthetic injections or other medications."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Johnson moved to amend H.F. No. 3142 as follows:

Page 9, after line 25, insert:

"Sec. 14. [144D.12] HOME CARE AND HOUSING SERVICES ELECTRONIC MONITORING.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Electronic monitoring device" means a video or audio broadcasting or recording device that broadcasts or records activity or sounds occurring in a residence.

(c) "Home care provider" has the meaning given in section 144A.43, subdivision 4.

(d) "Housing with services establishment" has the meaning given in section 144D.01, subdivision 4, and includes an establishment providing assisted living services under chapter 144G.

(e) "Legal representative" means a court-appointed guardian or individual with current legal authority to make decisions about health services for a resident under a health care directive or power of attorney.

(f) "Resident" means an individual receiving home care services from a home care provider or health-related, supportive, or assisted living services from a housing with services establishment. Resident includes a legal representative of a resident.

(g) "Residential care or services provider" or "provider" means a home care provider or housing with services establishment.

Subd. 2. **Electronic monitoring must be permitted.** A residential care or services provider must allow a resident to install or use an electronic monitoring device that may broadcast or record care or services given to the resident by the provider and that occur within the private home, room, or unit of the resident. The resident may elect whether to install the device in plain view or in a manner where it is partially or fully hidden.

Subd. 3. **Resident protections.** (a) A residential care or services provider must not:

(1) refuse to provide care or services to a potential resident, or change the terms of or terminate care or services to a resident, based on the installation or use of an electronic monitoring device as provided for under subdivision 2; or

(2) prevent or interfere with the permissible installation or use of an electronic monitoring device by a resident as provided for under subdivision 2.

(b) A residential care or services provider must not require a resident to install or use an electronic monitoring device or otherwise install or use an electronic monitoring device in the private home, room, or unit of the resident without the written consent of the resident.

Subd. 4. **Cost and installation.** (a) A resident who conducts electronic monitoring must do so at the resident's own expense, including paying purchase, installation, maintenance, and removal costs.

(b) If a resident installs an electronic monitoring device as provided for under subdivision 2 that uses Internet technology for visual or audio monitoring, the resident is responsible for contracting with an Internet service provider. A housing with services establishment must make a reasonable attempt to accommodate the resident's installation needs, including allowing access to the establishment's telecommunications or equipment room. An establishment must not charge the resident a fee for the cost of electricity used by an electronic monitoring device. Electronic monitoring device installations and supporting services in a housing with services establishment must comply with the requirements of the National Fire Protection Association (NFPA) 101 Life Safety Code (2015 edition)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Latz moved to amend the Johnson amendment to H.F. No. 3142 as follows:

Page 1, line 24, before the period, insert "in which the resident does not share a home, room, or unit with another resident who does not consent to the installation or use of an electronic monitoring device"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Johnson amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Hoffman moved to amend H.F. No. 3142 as follows:

Page 1, after line 11, insert:

"Section 1. **[62K.075] PROVIDER NETWORK NOTIFICATIONS.**

(a) A health carrier must notify an enrollee in writing when a change occurs in the health plan's provider network that changes a provider's network status from in-network to out-of-network at any time during the contract year. Notice must be provided within 30 days of the change.

(b) The health carrier must update the carrier's Web site regarding any change in a provider's network status within 24 hours of the change."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Kiffmeyer requested division of the Hoffman amendment as follows:

First portion:

Page 1, after line 11, insert:

"Section 1. **[62K.075] PROVIDER NETWORK NOTIFICATIONS.**

(b) The health carrier must update the carrier's Web site regarding any change in a provider's network status within 24 hours of the change."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the first portion of the amendment.

The motion prevailed. So the first portion of the amendment was adopted.

Senator Hoffman withdrew the remainder of his amendment.

Senator Ingebriksen moved to amend H.F. No. 3142 as follows:

Page 14, after line 8, insert:

"Sec. 21. Minnesota Statutes 2014, section 325H.085, is amended to read:

325H.085 USE BY MINORS PROHIBITED.

(a) A person under age 18 may not use any type of tanning equipment as defined by section 325H.01, subdivision 6, available in a tanning facility in this state.

(b) Notwithstanding paragraph (a), a person under the age of 18 may use tanning equipment at a tanning facility if the person has documentation signed by a health care provider indicating a medical need for the person to use the tanning equipment for purposes of treating a medical or mental condition or disorder, and the person's parent or legal guardian signs a consent form prior to the initial exposure at the tanning facility.

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

Amend the title accordingly

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

Senator Sheran moved to amend H.F. No. 3142 as follows:

Page 14, after line 8, insert:

"Sec. 21. Minnesota Statutes 2014, section 245.8251, is amended by adding a subdivision to read:

Subd. 1a. **Legislative approval.** Minnesota Rules, chapter 9544, positive support strategies and restrictive interventions is approved.

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

Sec. 22. Minnesota Statutes 2014, section 245.8251, subdivision 2, is amended to read:

Subd. 2. **Data collection.** (a) The commissioner shall, with stakeholder input, identify data elements specific to incidents of emergency use of manual restraint and positive support transition

plans for persons receiving services from licensed facilities and licensed services under chapter 245D and in licensed facilities and licensed services serving persons with a developmental disability or related condition as defined in Minnesota Rules, part 9525.0016, subpart 2, effective January 1, 2014. Licensed facilities and licensed services shall report the data in a format and at a frequency determined by the commissioner of human services to the commissioner and the Office of the Ombudsman for Mental Health and Developmental Disabilities.

~~(b) Beginning July 1, 2013, licensed facilities and licensed services regulated under Minnesota Rules, parts 9525.2700 to 9525.2810, shall submit data regarding the use of all controlled procedures identified in Minnesota Rules, part 9525.2740, in a format and at a frequency determined by the commissioner to the commissioner and the Office of the Ombudsman for Mental Health and Developmental Disabilities.~~

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

Sec. 23. Minnesota Statutes 2014, section 252.275, subdivision 1a, is amended to read:

Subd. 1a. **Service requirements.** The methods, materials, and settings used to provide semi-independent living services to a person must be designed to:

(1) increase the person's independence in performing tasks and activities by teaching skills that reduce dependence on caregivers;

(2) provide training in an environment where the skill being taught is typically used;

(3) increase the person's opportunities to interact with nondisabled individuals who are not paid caregivers;

(4) increase the person's opportunities to use community resources and participate in community activities, including recreational, cultural, and educational resources, stores, restaurants, religious services, and public transportation;

(5) increase the person's opportunities to develop decision-making skills and to make informed choices in all aspects of daily living, including:

(i) selection of service providers;

(ii) goals and methods;

(iii) location and decor of residence;

(iv) roommates;

(v) daily routines;

(vi) leisure activities; and

(vii) personal possessions;

(6) provide daily schedules, routines, environments and interactions similar to those of nondisabled individuals of the same chronological age; and

(7) comply with section ~~245.825, subdivision 1~~ 245.8251 and the rules promulgated pursuant to section 245.8251, subdivision 1.

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

Sec. 24. Minnesota Statutes 2014, section 253B.03, subdivision 1, is amended to read:

Subdivision 1. **Restraints.** (a) A patient has the right to be free from restraints. Restraints shall not be applied to a patient in a treatment facility unless the head of the treatment facility, a member of the medical staff, or a licensed peace officer who has custody of the patient determines that they are necessary for the safety of the patient or others.

(b) Restraints shall not be applied to patients with developmental disabilities except as permitted under section ~~245.825~~ 245.8251 and rules of the commissioner of human services. Consent must be obtained from the person or person's guardian except for emergency procedures as permitted under rules of the commissioner adopted under section ~~245.825~~ 245.8251.

(c) Each use of a restraint and reason for it shall be made part of the clinical record of the patient under the signature of the head of the treatment facility.

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

Sec. 25. Minnesota Statutes 2014, section 253B.03, subdivision 6a, is amended to read:

Subd. 6a. **Consent for treatment for developmental disability.** A patient with a developmental disability, or the patient's guardian, has the right to give or withhold consent before:

(1) the implementation of any ~~aversive or deprivation procedure~~ restrictive interventions except for emergency ~~procedures~~ use of manual restraint permitted in rules of the commissioner adopted under section ~~245.825~~ 245.8251; or

(2) the administration of psychotropic medication.

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

Sec. 26. Minnesota Statutes 2014, section 256B.0659, subdivision 3, is amended to read:

Subd. 3. **Noncovered personal care assistance services.** (a) Personal care assistance services are not eligible for medical assistance payment under this section when provided:

(1) by the recipient's spouse, parent of a recipient under the age of 18, paid legal guardian, licensed foster provider, except as allowed under section 256B.0652, subdivision 10, or responsible party;

(2) in order to meet staffing or license requirements in a residential or child care setting;

(3) solely as a child care or babysitting service; or

(4) without authorization by the commissioner or the commissioner's designee.

(b) The following personal care services are not eligible for medical assistance payment under this section when provided in residential settings:

(1) when the provider of home care services who is not related by blood, marriage, or adoption owns or otherwise controls the living arrangement, including licensed or unlicensed services; or

(2) when personal care assistance services are the responsibility of a residential or program license holder under the terms of a service agreement and administrative rules.

(c) Other specific tasks not covered under paragraph (a) or (b) that are not eligible for medical assistance reimbursement for personal care assistance services under this section include:

- (1) sterile procedures;
- (2) injections of fluids and medications into veins, muscles, or skin;
- (3) home maintenance or chore services;
- (4) homemaker services not an integral part of assessed personal care assistance services needed by a recipient;
- (5) application of ~~restraints or implementation of procedures~~ restrictive interventions under section ~~245.825~~ 245.8251;
- (6) instrumental activities of daily living for children under the age of 18, except when immediate attention is needed for health or hygiene reasons integral to the personal care services and the need is listed in the service plan by the assessor; and
- (7) assessments for personal care assistance services by personal care assistance provider agencies or by independently enrolled registered nurses.

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

Sec. 27. Minnesota Statutes 2014, section 256B.0951, subdivision 5, is amended to read:

Subd. 5. **Variance of certain standards prohibited.** The safety standards, rights, or procedural protections under chapter 245C and sections ~~245.825~~ 245.8251; 245.91 to 245.97; 245A.09, subdivision 2, paragraph (c), clauses (2) and (5); ~~245A.12~~; 245A.13; 252.41, subdivision 9; 256B.092, subdivisions 1b, clause (7), and 10; 626.556; 626.557, and procedures for the monitoring of psychotropic medications shall not be varied under the alternative quality assurance licensing system. The commission may make recommendations to the commissioners of human services and health or to the legislature regarding alternatives to or modifications of the rules and procedures referenced in this subdivision.

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

Sec. 28. Minnesota Statutes 2014, section 256B.097, subdivision 4, is amended to read:

Subd. 4. **Regional quality councils.** (a) The commissioner shall establish, as selected by the State Quality Council, regional quality councils of key stakeholders, including regional representatives of:

- (1) disability service recipients and their family members;
 - (2) disability service providers;
 - (3) disability advocacy groups; and
 - (4) county human services agencies and staff from the Department of Human Services and Ombudsman for Mental Health and Developmental Disabilities.
- (b) Each regional quality council shall:

(1) direct and monitor the community-based, person-directed quality assurance system in this section;

(2) approve a training program for quality assurance team members under clause (13);

(3) review summary reports from quality assurance team reviews and make recommendations to the State Quality Council regarding program licensure;

(4) make recommendations to the State Quality Council regarding the system;

(5) resolve complaints between the quality assurance teams, counties, providers, persons receiving services, their families, and legal representatives;

(6) analyze and review quality outcomes and critical incident data reporting incidents of life safety concerns immediately to the Department of Human Services licensing division;

(7) provide information and training programs for persons with disabilities and their families and legal representatives on service options and quality expectations;

(8) disseminate information and resources developed to other regional quality councils;

(9) respond to state-level priorities;

(10) establish regional priorities for quality improvement;

(11) submit an annual report to the State Quality Council on the status, outcomes, improvement priorities, and activities in the region;

(12) choose a representative to participate on the State Quality Council and assume other responsibilities consistent with the priorities of the State Quality Council; and

(13) recruit, train, and assign duties to members of quality assurance teams, taking into account the size of the service provider, the number of services to be reviewed, the skills necessary for the team members to complete the process, and ensure that no team member has a financial, personal, or family relationship with the facility, program, or service being reviewed or with anyone served at the facility, program, or service. Quality assurance teams must be comprised of county staff, persons receiving services or the person's families, legal representatives, members of advocacy organizations, providers, and other involved community members. Team members must complete the training program approved by the regional quality council and must demonstrate performance-based competency. Team members may be paid a per diem and reimbursed for expenses related to their participation in the quality assurance process.

(c) The commissioner shall monitor the safety standards, rights, and procedural protections for the monitoring of psychotropic medications and those identified under sections ~~245.825~~ 245.8251; 245.91 to 245.97; 245A.09, subdivision 2, paragraph (c), clauses (2) and (5); 245A.12; 245A.13; 252.41, subdivision 9; 256B.092, subdivision 1b, clause (7); 626.556; and 626.557.

(d) The regional quality councils may hire staff to perform the duties assigned in this subdivision.

(e) The regional quality councils may charge fees for their services.

(f) The quality assurance process undertaken by a regional quality council consists of an evaluation by a quality assurance team of the facility, program, or service. The process must include an evaluation of a random sample of persons served. The sample must be representative of

each service provided. The sample size must be at least five percent but not less than two persons served. All persons must be given the opportunity to be included in the quality assurance process in addition to those chosen for the random sample.

(g) A facility, program, or service may contest a licensing decision of the regional quality council as permitted under chapter 245A.

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

Sec. 29. Minnesota Statutes 2014, section 256B.77, subdivision 17, is amended to read:

Subd. 17. **Approval of alternatives.** The commissioner may approve alternatives to administrative rules if the commissioner determines that appropriate alternative measures are in place to protect the health, safety, and rights of enrollees and to assure that services are of sufficient quality to produce the outcomes described in the personal support plans. Prior approved waivers, if needed by the demonstration project, shall be extended. The commissioner shall not waive the rights or procedural protections under sections ~~245.825-245.8251~~; 245.91 to 245.97; 252.41, subdivision 9; 256B.092, subdivision 10; 626.556; and 626.557; or procedures for the monitoring of psychotropic medications. Prohibited practices as defined in statutes and rules governing service delivery to eligible individuals are applicable to services delivered under this demonstration project.

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

Sec. 30. Minnesota Statutes 2015 Supplement, section 626.556, subdivision 2, is amended to read:

Subd. 2. **Definitions.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:

(1) is not likely to occur and could not have been prevented by exercise of due care; and

(2) if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event.

(b) "Commissioner" means the commissioner of human services.

(c) "Facility" means:

(1) a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245D;

(2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or

(3) a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a.

(d) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that is applied to a child maltreatment report that does not allege sexual abuse or substantial child endangerment. Family assessment does not include

a determination as to whether child maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

(e) "Investigation" means fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve sexual abuse or substantial child endangerment, and for reports of maltreatment in facilities required to be licensed under chapter 245A or 245D; under sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider association as defined in section 256B.0625, subdivision 19a.

(f) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(g) "Neglect" means the commission or omission of any of the acts specified under clauses (1) to (9), other than by accidental means:

(1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;

(2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

(4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

(5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

(6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder;

(7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

(8) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or

(9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

(h) "Nonmaltreatment mistake" means:

(1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota Rules, part 9503.0045;

(2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years;

(3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years;

(4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and

(5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident.

This definition only applies to child care centers licensed under Minnesota Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated maltreatment by the individual, the commissioner of human services shall determine that a nonmaltreatment mistake was made by the individual.

(i) "Operator" means an operator or agency as defined in section 245A.02.

(j) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(k) "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 125A.0942 or ~~245.825~~ 245.8251.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by section 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following:

(1) throwing, kicking, burning, biting, or cutting a child;

- (2) striking a child with a closed fist;
 - (3) shaking a child under age three;
 - (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;
 - (5) unreasonable interference with a child's breathing;
 - (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
 - (7) striking a child under age one on the face or head;
 - (8) striking a child who is at least age one but under age four on the face or head, which results in an injury;
 - (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;
 - (10) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or
 - (11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.
- (l) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.
- (m) "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.
- (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).
- (o) "Substantial child endangerment" means a person responsible for a child's care, by act or omission, commits or attempts to commit an act against a child under their care that constitutes any of the following:

- (1) egregious harm as defined in section 260C.007, subdivision 14;
- (2) abandonment under section 260C.301, subdivision 2;
- (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
- (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
- (5) manslaughter in the first or second degree under section 609.20 or 609.205;
- (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- (7) solicitation, inducement, and promotion of prostitution under section 609.322;
- (8) criminal sexual conduct under sections 609.342 to 609.3451;
- (9) solicitation of children to engage in sexual conduct under section 609.352;
- (10) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;
- (11) use of a minor in sexual performance under section 617.246; or
- (12) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section 260C.503, subdivision 2.

(p) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in paragraph (j), clause (1), who has:

- (1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law of another jurisdiction;
- (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph (b), clause (4), or a similar law of another jurisdiction;
- (3) committed an act that has resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or
- (4) committed an act that has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction.

A child is the subject of a report of threatened injury when the responsible social services agency receives birth match data under paragraph (q) from the Department of Human Services.

(q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth record or recognition of parentage identifying a child who is subject to threatened injury under paragraph (p), the Department of Human Services shall send the data to the responsible social services agency. The data is known as "birth match" data. Unless the responsible social services agency has already begun an investigation or assessment of the report due to the birth of the child or execution of the

recognition of parentage and the parent's previous history with child protection, the agency shall accept the birth match data as a report under this section. The agency may use either a family assessment or investigation to determine whether the child is safe. All of the provisions of this section apply. If the child is determined to be safe, the agency shall consult with the county attorney to determine the appropriateness of filing a petition alleging the child is in need of protection or services under section 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is determined not to be safe, the agency and the county attorney shall take appropriate action as required under section 260C.503, subdivision 2.

(r) Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices, which are not injurious to the child's health, welfare, and safety.

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

Sec. 31. Minnesota Statutes 2014, section 626.5572, subdivision 2, is amended to read:

Subd. 2. **Abuse.** "Abuse" means:

(a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of:

- (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224;
- (2) the use of drugs to injure or facilitate crime as defined in section 609.235;
- (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and
- (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451.

A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.

(b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following:

- (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult;
- (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening;
- (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and
- (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section ~~245.825~~ 245.8251.

(c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

(d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

(e) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C or 252A, or section 253B.03 or 524.5-313, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition and hydration parenterally or through intubation. This paragraph does not enlarge or diminish rights otherwise held under law by:

(1) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or

(2) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct.

(f) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult.

(g) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with:

(1) a person, including a facility staff person, when a consensual sexual personal relationship existed prior to the caregiving relationship; or

(2) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship.

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

Sec. 32. **REPEALER.**

Minnesota Statutes 2014, section 245.825, subdivisions 1 and 1b, are repealed.

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. 3142 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 43 and nays 15, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Jensen	Newman	Sieben
Benson	Eken	Johnson	Nienow	Sparks
Bonoff	Franzen	Kent	Pappas	Tomassoni
Carlson	Goodwin	Koenen	Reinert	Torres Ray
Champion	Hall	Latz	Saxhaug	Westrom
Clausen	Hawj	Lourey	Scalze	Wiger
Dahle	Hayden	Marty	Schmit	Wiklund
Dibble	Hoffman	Miller	Senjem	
Dziedzic	Housley	Nelson	Sheran	

Those who voted in the negative were:

Anderson	Gazelka	Kiffmeyer	Osmek	Rosen
Dahms	Hann	Limmer	Pederson	Ruud
Fischbach	Ingebrigtsen	Ortman	Pratt	Weber

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

SPECIAL ORDER

H.F. No. 3588: A bill for an act relating to transportation; governing certain motor vehicle weight limits; providing for an increase in weight limits for certain vehicles powered by natural gas; making technical changes; amending Minnesota Statutes 2014, section 169.824, subdivision 2, by adding a subdivision.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Housley	Newman	Schmit
Anderson	Eken	Ingebrigtsen	Nienow	Senjem
Benson	Fischbach	Jensen	Ortman	Sheran
Bonoff	Franzen	Johnson	Osmek	Sieben
Carlson	Gazelka	Kent	Pappas	Sparks
Champion	Goodwin	Kiffmeyer	Pederson	Tomassoni
Clausen	Hall	Latz	Pratt	Torres Ray
Dahle	Hann	Limmer	Reinert	Weber
Dahms	Hawj	Marty	Rosen	Westrom
Dibble	Hayden	Miller	Ruud	Wiger
Dziedzic	Hoffman	Nelson	Saxhaug	Wiklund

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 Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2777, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2777 is herewith transmitted to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 17, 2016

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2777

A bill for an act relating to public safety; health; courts; authorizing ex parte hearings to determine when an emergency medical service person has a significant exposure to a source individual's bodily fluids; authorizing peace officers to take a noncompliant source individual into temporary custody to collect a blood sample; amending Minnesota Statutes 2014, section 144.7407, subdivision 2.

May 16, 2016

The Honorable Kurt L. Daudt
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

We, the undersigned conferees for H. F. No. 2777 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment

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

House Conferees: Debra Hilstrom, Jim Newberger, Brian Johnson

Senate Conferees: John A. Hoffman, Jim Abeler

Senator Hoffman moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2777 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2777 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 49 and nays 5, as follows:

Those who voted in the affirmative were:

Abeler	Gazelka	Kent	Osmek	Senjem
Anderson	Goodwin	Kiffmeyer	Pappas	Sheran
Benson	Hall	Koenen	Pederson	Sieben
Bonoff	Hann	Latz	Pratt	Sparks
Carlson	Hawj	Limmer	Reinert	Tomassoni
Clausen	Hoffman	Lourey	Rosen	Weber
Dahle	Housley	Miller	Ruud	Westrom
Dahms	Ingebrigtsen	Nelson	Saxhaug	Wiger
Eken	Jensen	Newman	Scalze	Wiklund
Fischbach	Johnson	Nienow	Schmit	

Those who voted in the negative were:

Champion Dibble Eaton Ortman Torres Ray

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

MEMBERS EXCUSED

Senator Brown was excused from the Session of today. Senators Champion and Ortman were excused from the Session of today from 11:00 a.m. to 2:20 p.m. Senator Stumpf was excused from the Session of today at 1:00 p.m. Senator Bakk was excused from the Session of today at 1:15 p.m. Senator Sieben was excused from the Session of today from 1:15 to 2:10 p.m. Senator Marty was excused from the Session of today from 1:35 to 2:10 p.m. Senator Hoffman was excused from the Session of today from 1:35 to 2:15 p.m. Senator Cohen was excused from the Session of today from 1:45 to 1:55 p.m. and at 4:45 p.m. Senator Skoe was excused from the Session of today at 2:50 p.m. Senator Metzen was excused from the Session of today at 3:10 p.m. Senator Torres Ray was excused from the Session of today from 3:25 to 4:45 p.m. Senator Chamberlain was excused from the Session of today at 3:40 p.m. Senator Rest was excused from the Session of today at 3:55 p.m. Senator Thompson was excused from the Session of today at 4:45 p.m. Senator Franzen was excused from the Session of today at 4:55 p.m. Senator Hayden was excused from the Session of today from 4:55 to 5:05 p.m.

ADJOURNMENT

Senator Sieben moved that the Senate do now adjourn until 9:00 a.m., Thursday, May 19, 2016. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

