

SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION

S.F. No. 496

(SENATE AUTHORS: UTKE and Fateh)

DATE	D-PG	OFFICIAL STATUS
02/01/2021	211	Introduction and first reading Referred to Human Services Licensing Policy
02/15/2021	353a	Comm report: To pass as amended and re-refer to Civil Law and Data Practices Policy
	401	Author added Fateh
02/25/2021		Comm report: To pass as amended and re-refer to Human Services Reform Finance and Policy

1.1 A bill for an act

1.2 relating to human services; permitting background study subjects to obtain

1.3 fingerprints from additional entities and agencies; extending the waiver modifying

1.4 background study requirements for human services programs pursuant to governor's

1.5 executive orders related to the COVID-19 pandemic; amending Minnesota Statutes

1.6 2020, section 245C.05, subdivision 5; Laws 2020, First Special Session chapter

1.7 7, section 1, as amended.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2020, section 245C.05, subdivision 5, is amended to read:

1.10 Subd. 5. **Fingerprints and photograph.** (a) Notwithstanding paragraph (b), for

1.11 background studies conducted by the commissioner for child foster care, children's residential

1.12 facilities, adoptions, or a transfer of permanent legal and physical custody of a child, the

1.13 subject of the background study, who is 18 years of age or older, shall provide the

1.14 commissioner with a set of classifiable fingerprints obtained from an authorized agency for

1.15 a national criminal history record check. For purposes of this subdivision, "authorized

1.16 agency for a national criminal history record check" includes any entity, vendor, or local

1.17 law enforcement agency that can supply an individual with a set of the individual's classifiable

1.18 fingerprints that is compliant with NETStudy 2.0.

1.19 (b) For background studies initiated on or after the implementation of NETStudy 2.0,

1.20 except as provided under subdivision 5a, every subject of a background study must provide

1.21 the commissioner with a set of the background study subject's classifiable fingerprints and

1.22 photograph. The photograph and fingerprints must be recorded at the same time by the

1.23 commissioner's authorized fingerprint collection vendor and sent to the commissioner

1.24 through the commissioner's secure data system described in section 245C.32, subdivision

2.1 1a, paragraph (b). The subject of the background study may supply the commissioner's  
2.2 authorized fingerprint collection vendor with a set of the subject's classifiable fingerprints  
2.3 and photograph that were obtained from an authorized agency for a national criminal history  
2.4 record check as defined in paragraph (a).

2.5 (c) The fingerprints shall be submitted by the commissioner to the Bureau of Criminal  
2.6 Apprehension and, when specifically required by law, submitted to the Federal Bureau of  
2.7 Investigation for a national criminal history record check.

2.8 (d) The fingerprints must not be retained by the Department of Public Safety, Bureau  
2.9 of Criminal Apprehension, or the commissioner. The Federal Bureau of Investigation will  
2.10 not retain background study subjects' fingerprints.

2.11 (e) The commissioner's authorized fingerprint collection vendor shall, for purposes of  
2.12 verifying the identity of the background study subject, be able to view the identifying  
2.13 information entered into NETStudy 2.0 by the entity that initiated the background study,  
2.14 but shall not retain the subject's fingerprints, photograph, or information from NETStudy  
2.15 2.0. The authorized fingerprint collection vendor shall retain no more than the name and  
2.16 date and time the subject's fingerprints were recorded and sent, only as necessary for auditing  
2.17 and billing activities.

2.18 (f) For any background study conducted under this chapter, the subject shall provide the  
2.19 commissioner with a set of classifiable fingerprints when the commissioner has reasonable  
2.20 cause to require a national criminal history record check as defined in section 245C.02,  
2.21 subdivision 15a.

2.22 Sec. 2. Laws 2020, First Special Session chapter 7, section 1, subdivision 3, is amended  
2.23 to read:

2.24 Subd. 3. **Waivers and modifications; 60-day transition period.** When the peacetime  
2.25 emergency declared by the governor in response to the COVID-19 outbreak expires, is  
2.26 terminated, or is rescinded by the proper authority, all waivers or modifications issued by  
2.27 the commissioner of human services in response to the COVID-19 outbreak that have not  
2.28 been extended as provided in subdivisions 1, 2, ~~and 4,~~ and 5 of this section may remain in  
2.29 effect for no more than 60 days, only for purposes of transitioning affected programs back  
2.30 to operating without the waivers or modifications in place.

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

3.1 Sec. 3. Laws 2020, First Special Session chapter 7, section 1, as amended by Laws 2020,  
3.2 Third Special Session chapter 1, section 3, is amended by adding a subdivision to read:

3.3 Subd. 5. **Waiver extension; 180-day transition period.** When the peacetime emergency  
3.4 declared by the governor in response to the COVID-19 outbreak expires, is terminated, or  
3.5 is rescinded by the proper authority, the modification in CV23: modifying certain background  
3.6 study requirements, issued by the commissioner of human services pursuant to Executive  
3.7 Orders 20-11 and 20-12, and including any amendments to the modification issued before  
3.8 the peacetime emergency expires, shall remain in effect for no more than 180 days.

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