

SEVENTY-FIFTH DAY

St. Paul, Minnesota, Monday, March 16, 2020

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

CALL OF THE SENATE

Senator Gazelka 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. Jeff Hansen.

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	Dibble	Housley	Limmer	Ruud
Anderson, B.	Draheim	Howe	Little	Senjem
Anderson, P.	Eichorn	Ingebrigtsen	Marty	Simonson
Bakk	Eken	Isaacson	Mathews	Sparks
Benson	Franzen	Jasinski	Miller	Tomassoni
Bigham	Frentz	Jensen	Nelson	Torres Ray
Chamberlain	Gazelka	Johnson	Newman	Utke
Champion	Goggin	Kent	Osmek	Weber
Clausen	Hall	Kiffmeyer	Pratt	Westrom
Cohen	Hawj	Klein	Rarick	Wiger
Cwodzinski	Hayden	Koran	Relph	Wiklund
Dahms	Hoffman	Lang	Rosen	

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

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 3564.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned March 12, 2020

REPORTS OF COMMITTEES

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

Senator Pratt from the Committee on Jobs and Economic Growth Finance and Policy, to which was referred

S.F. No. 2022: A bill for an act relating to police disability benefits; creating a study of benefit adequacy.

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

Page 1, line 5, delete "Legislative Commission on Pensions and Retirement" and insert "Department of Labor and Industry"

Page 1, line 8, delete "Department of"

Page 1, line 9, delete "Labor and Industry" and insert "Public Employees Retirement Association" and delete "commission" and insert "department"

Page 1, line 10, delete "commission" and insert "department" and delete "2020" and insert "2021, to the chairs of the standing committees of the house of representatives and the senate having jurisdiction over public safety and employment issues"

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

Senator Pratt from the Committee on Jobs and Economic Growth Finance and Policy, to which was re-referred

S.F. No. 1888: A bill for an act relating to economic development; creating the community energy transition competitive grant program; transferring money; creating an advisory council; requiring reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Pratt from the Committee on Jobs and Economic Growth Finance and Policy, to which was referred

S.F. No. 4130: A bill for an act relating to workers' compensation; adopting recommendations of the 2020 Workers' Compensation Advisory Council; amending Minnesota Statutes 2018, sections 79A.02, subdivision 4; 79A.04, subdivision 2; 79A.06, subdivision 5; 79A.22, subdivision 13; 79A.24, subdivision 2; 176.011, subdivision 15; 176.102, subdivision 10; 176.111, subdivision 22; 176.135, subdivision 1; 176.185, by adding a subdivision; 176.223; Minnesota Statutes 2019 Supplement, sections 176.181, subdivision 2; 176.231, subdivisions 5, 6, 9, 9a; 176.2611, subdivision

5; 176.2612, subdivisions 1, 3; 176.275, subdivision 2; 176.285, subdivision 1; repealing Minnesota Statutes 2018, section 176.181, subdivision 6.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State Government Finance and Policy and Elections. Report adopted.

Senator Limmer from the Committee on Judiciary and Public Safety Finance and Policy, to which was referred

S.F. No. 3975: A bill for an act relating to public safety; rejecting certain proposed modifications to the Sentencing Guidelines relating to lengths of probation; removing authority for Sentencing Guidelines Commission to establish guidelines on nonprison sanctions; requiring Sentencing Guidelines Commission to submit proposal to the legislature regarding lengths of probation; providing for collection of probation data; requiring a report on probation sentences; amending Minnesota Statutes 2018, section 244.09, subdivisions 5, 6, by adding a subdivision.

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

Page 3, line 24, delete "in a grid format" and before the period, insert "and expressed in an easily understandable manner. The proposal must delineate presumptive lengths by use of a grid format, if feasible"

Page 3, line 25, delete "This" and insert "The"

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

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 12.10, upon the request of three members, a roll call was taken on the motion that S.F. No. 3975, as amended, be recommended to pass and be re-referred.

There were yeas 6 and nays 3, as follows:

Those who voted in the affirmative were:

Senators Anderson, B.; Hall; Ingebrigtsen; Johnson; Limmer; and Relph.

Those who voted in the negative were:

Senators Dziejcz, Latz, and Pappas.

The motion prevailed.

Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred

S.F. No. 4069: A bill for an act relating to state government; changing certain state government operations; repealing state aid to PERA for MERF; modifying rulemaking process for construction rules; establishing zero-based budgeting; adding constraints on contracting with exclusive

representatives of state employees; conditional appropriation reductions; amending Minnesota Statutes 2018, sections 3.855, subdivision 2, by adding a subdivision; 16A.103, subdivision 1a; 16A.11, subdivision 3; 179A.20, by adding a subdivision; Minnesota Statutes 2019 Supplement, section 353.27, subdivision 3c; proposing coding for new law in Minnesota Statutes, chapters 14; 16A; repealing Minnesota Statutes 2019 Supplement, section 353.505.

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

Page 4, line 7, delete "2019" and insert "2020"

Page 9, after line 12, insert:

"(d) This section does not apply to any law enforcement positions that involve the investigation, enforcement, or prosecution of a crime or any position in a correctional facility."

Page 9, line 20, after "any" insert "law enforcement" and delete "require law enforcement training" and insert "involve the investigation, enforcement, or prosecution of a crime or any position in a correctional facility"

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

Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred

S.F. No. 3296: A bill for an act relating to state government; changing a provision for publication in the State Register; changing the date for the annual report on events held in the Capitol building; amending Minnesota Statutes 2018, sections 14.46, subdivisions 3, 4; 16B.2405, subdivision 2.

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

Page 2, line 10, strike "Ten copies" and insert "One copy"

Page 2, line 11, strike "ten copies" and insert "one copy"

Page 2, line 26, delete the new language

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

Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred

S.F. No. 3273: A bill for an act relating to lawful gambling; requiring certain annual reports to be filed with the Gambling Control Board; amending Minnesota Statutes 2018, section 349.19, by adding a subdivision.

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

Page 1, line 10, before "at" insert "but excluding any requirement that is to be reported as described in section 297E.06, subdivision 4, paragraph (d),"

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

Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred

S.F. No. 3929: A bill for an act relating to state government; specifying provisions for auditing the Department of Human Services; specifying audit of federal funds; amending Minnesota Statutes 2018, sections 3.972, subdivision 2a; 16A.06, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Health and Human Services Finance and Policy. Report adopted.

Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred

S.F. No. 3385: A bill for an act relating to elections; prohibiting political subdivisions from establishing or enforcing ranked-choice voting; proposing coding for new law in Minnesota Statutes, chapter 204B.

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

Page 1, after line 17, insert:

"(c) Any rule, resolution, charter provision, or ordinance inconsistent with this section is void.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to elections on or after that date."

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

Senator Anderson, B. from the Committee on Veterans and Military Affairs Finance and Policy, to which was referred

S.F. No. 4159: A bill for an act relating to veterans; authorizing the provision of dental services for residents of veterans homes; amending Minnesota Statutes 2018, section 198.006.

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

Senator Anderson, B. from the Committee on Veterans and Military Affairs Finance and Policy, to which was referred

S.F. No. 4180: A bill for an act relating to veterans; authorizing the commissioner of veterans affairs to establish a veterans stable housing initiative; classifying certain homeless veterans data; authorizing data sharing; proposing coding for new law in Minnesota Statutes, chapter 196.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary and Public Safety Finance and Policy. Report adopted.

Senator Anderson, B. from the Committee on Veterans and Military Affairs Finance and Policy, to which was referred

S.F. No. 4158: A bill for an act relating to veterans; authorizing the commissioner of veteran's affairs to establish veteran adult day care programs; amending Minnesota Statutes 2018, section 198.006.

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

Senator Anderson, B. from the Committee on Veterans and Military Affairs Finance and Policy, to which was referred

S.F. No. 4193: A bill for an act relating to veterans; making technical changes to the GI Bill; amending Minnesota Statutes 2018, section 197.791, subdivisions 4, 5, 5a, 5b.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 197.791, subdivision 4, is amended to read:

Subd. 4. **Eligibility.** (a) A person is eligible for educational assistance under ~~subdivisions subdivision 5 and 5a~~ if:

(1) the person is:

(i) a veteran who is serving or has served honorably in any branch or unit of the United States armed forces at any time;

(ii) a nonveteran who has served honorably for a total of five years or more cumulatively as a member of the Minnesota National Guard or any other active or reserve component of the United States armed forces, and any part of that service occurred on or after September 11, 2001;

(iii) the surviving spouse or child of a person who has served in the military and who has died as a direct result of that military service, only if the surviving spouse or child is eligible to receive federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35, as amended; or

(iv) the spouse or child of a person who has served in the military at any time and who has a total and permanent service-connected disability as rated by the United States Veterans Administration, only if the spouse or child is eligible to receive federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35, as amended; and

(2) the person receiving the educational assistance is a Minnesota resident, as defined in section 136A.101, subdivision 8; and

(3) the person receiving the educational assistance:

(i) is an undergraduate or graduate student at an eligible institution;

(ii) is maintaining satisfactory academic progress as defined by the institution for students participating in federal Title IV programs;

(iii) is enrolled in an education program leading to a certificate, diploma, or degree at an eligible institution;

(iv) has applied for educational assistance under this section prior to the end of the academic term for which the assistance is being requested;

(v) is in compliance with child support payment requirements under section 136A.121, subdivision 2, clause (5); and

(vi) has completed the Free Application for Federal Student Aid (FAFSA).

(b) A person's eligibility terminates when the person becomes eligible for benefits under section 135A.52.

(c) To determine eligibility, the commissioner may require official documentation, including the person's federal form DD-214 or other official military discharge papers; correspondence from the United States Veterans Administration; birth certificate; marriage certificate; proof of enrollment at an eligible institution; signed affidavits; proof of residency; proof of identity; or any other official documentation the commissioner considers necessary to determine eligibility.

(d) The commissioner may deny eligibility or terminate benefits under this section to any person who has not provided sufficient documentation to determine eligibility for the program. An applicant may appeal the commissioner's eligibility determination or termination of benefits in writing to the commissioner at any time. The commissioner must rule on any application or appeal within 30 days of receipt of all documentation that the commissioner requires. The decision of the commissioner regarding an appeal is final. However, an applicant whose appeal of an eligibility determination has been rejected by the commissioner may submit an additional appeal of that determination in writing to the commissioner at any time that the applicant is able to provide substantively significant additional information regarding the applicant's eligibility for the program. An approval of an applicant's eligibility by the commissioner following an appeal by the applicant is not retroactively effective for more than one year or the semester of the person's original application, whichever is later.

(e) Upon receiving an application with insufficient documentation to determine eligibility, the commissioner must notify the applicant within 30 days of receipt of the application that the application is being suspended pending receipt by the commissioner of sufficient documentation from the applicant to determine eligibility.

Sec. 2. Minnesota Statutes 2018, section 197.791, subdivision 5, is amended to read:

Subd. 5. **Educational assistance amount.** (a) On approval by the commissioner of eligibility for the program, the applicant shall be awarded, on a funds-available basis, the educational assistance under the program for use at any time according to program rules at any eligible institution.

(b) The amount of educational assistance in any semester or term for an eligible person must be determined by subtracting from the eligible person's cost of attendance the amount the person received or was eligible to receive in that semester or term from:

- (1) the federal Pell Grant;
- (2) the state grant program under section 136A.121; and

(3) any federal military or veterans educational benefits including but not limited to the Montgomery GI Bill, GI Bill Kicker, the federal tuition assistance program, vocational rehabilitation benefits, and any other federal benefits associated with the person's status as a veteran, except veterans disability payments from the United States Department of Veterans Administration and payments made under the Veterans Retraining Assistance Program (VRAP) Affairs.

(c) The amount of educational assistance for any eligible person who is a full-time student must not exceed the following:

- (1) \$3,000 per state fiscal year; and
- (2) \$10,000 in a lifetime.

(d) For a part-time student, the amount of educational assistance must not exceed \$500 per semester or term of enrollment. For the purpose of this paragraph, a part-time undergraduate student is a student taking fewer than 12 credits or the equivalent for a semester or term of enrollment and a part-time graduate student is a student considered part time by the eligible institution the graduate student is attending. The minimum award for undergraduate and graduate students is \$50 per term.

Sec. 3. Minnesota Statutes 2018, section 197.791, subdivision 5a, is amended to read:

Subd. 5a. **Apprenticeship and on-the-job training.** (a) The commissioner, in consultation with the commissioners of employment and economic development and labor and industry, shall develop and implement an apprenticeship and on-the-job training program to administer a portion of the Minnesota GI Bill program to pay benefit amounts to eligible persons, as provided in this subdivision.

(b) An "eligible employer" means an employer operating a qualifying apprenticeship or on-the-job training program that has been approved by the commissioner.

(c) A person is eligible for apprenticeship and on-the-job training assistance under this subdivision if the person ~~meets the criteria established under subdivision 4, paragraph (a).~~ is:

(i) a veteran who is serving or has served honorably in any branch or unit of the United States armed forces at any time;

(ii) a nonveteran who has served honorably for a total of five years or more cumulatively as a member of the Minnesota National Guard or any other active or reserve component of the United States armed forces, and any part of that service occurred on or after September 11, 2001;

(iii) the surviving spouse or child of a person who has served in the military and who has died as a direct result of that military service, only if the surviving spouse or child is eligible to receive

federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35, as amended; or

(iv) the spouse or child of a person who has served in the military at any time and who has a total and permanent service-connected disability as rated by the United States Veterans Administration, only if the spouse or child is eligible to receive federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35.

(d) The commissioner may determine eligibility as provided in subdivision 4, paragraph (c), and may deny or terminate benefits as prescribed under subdivision 4, paragraphs (d) and (e).

(e) The amount of assistance paid to or on behalf of an eligible individual under this subdivision must not exceed the following:

(1) \$3,000 per fiscal year for apprenticeship expenses;

(2) \$3,000 per fiscal year for on-the-job training;

(3) \$1,000 for a job placement credit payable to an eligible employer upon hiring and completion of six consecutive months' employment of a person receiving assistance under this subdivision; and

(4) \$1,000 for a job placement credit payable to an eligible employer after a person receiving assistance under this subdivision has been employed by the eligible employer for at least 12 consecutive months as a full-time employee.

~~(f) No more than \$5,000 in aggregate benefits under this paragraph subdivision may be paid to or on behalf of an individual in one fiscal year, and not more than \$10,000 in aggregate benefits under this paragraph may be paid to or on behalf of an individual over any period of time.~~

(g) If an eligible person receives benefits under subdivision 5 or 5b, the eligible person's aggregate benefits under this subdivision, subdivisions 5, and 5b, must not exceed \$10,000 in the eligible person's lifetime.

~~(h)~~ (h) Assistance for apprenticeship expenses and on-the-job training is available for qualifying programs, which must, at a minimum, meet the following criteria:

(1) the training must be with an eligible employer;

(2) the training must be documented and reported;

(3) the training must reasonably be expected to lead to an entry-level position; and

(4) the position must require at least six months of training to become fully trained.

Sec. 4. Minnesota Statutes 2018, section 197.791, subdivision 5b, is amended to read:

Subd. 5b. **Additional professional or educational benefits.** (a) The commissioner shall develop and implement a program to administer a portion of the Minnesota GI Bill program to pay additional benefit amounts to eligible persons as provided under this subdivision.

(b) A person is eligible for additional benefits under this subdivision if the person ~~meets the criteria established under subdivision 4, paragraph (a), clause (1).~~ is:

(i) a veteran who is serving or has served honorably in any branch or unit of the United States armed forces at any time;

(ii) a nonveteran who has served honorably for a total of five years or more cumulatively as a member of the Minnesota National Guard or any other active or reserve component of the United States armed forces, and any part of that service occurred on or after September 11, 2001;

(iii) the surviving spouse or child of a person who has served in the military and who has died as a direct result of that military service, only if the surviving spouse or child is eligible to receive federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35, as amended; or

(iv) the spouse or child of a person who has served in the military at any time and who has a total and permanent service-connected disability as rated by the United States Veterans Administration, only if the spouse or child is eligible to receive federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35.

(c) The commissioner may determine eligibility as provided in subdivision 4, paragraph (c), and may deny or terminate benefits as prescribed under subdivision 4, paragraphs (d) and (e).

(d) The amount of assistance paid to or on behalf of an eligible individual under this subdivision must not exceed the following amounts:

- (1) \$3,000 per state fiscal year; and
- (2) \$10,000 in a lifetime.

(e) If an eligible person receives benefits under subdivision 5 or 5a, the eligible person's aggregate benefits under this subdivision, subdivisions 5, and 5a, must not exceed \$10,000 in the eligible person's lifetime.

~~(e)~~ (f) A person eligible under this subdivision may use the benefit amounts for the following purposes:

(1) licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided that the tests and the licensing or credentialing organizations or entities that offer the tests are approved by the commissioner;

(2) tests for admission to institutions of higher learning or graduate schools;

(3) national tests providing an opportunity for course credit at institutions of higher learning;

(4) a preparatory course for a test that is required or used for admission to an institution of higher education or a graduate program; and

(5) any fee associated with the pursuit of a professional or educational objective specified in clauses (1) to (4).

~~(d) If an eligible person receives benefits under subdivision 5, the eligible person's aggregate benefits under this subdivision and subdivision 5 must not exceed \$10,000 in the eligible person's lifetime.~~

~~(e) If an eligible person receives benefits under subdivision 5a, the eligible person's aggregate benefits under this subdivision and subdivision 5a must not exceed \$10,000 in the eligible person's lifetime."~~

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

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

S.F. No. 4073: A bill for an act relating to environment; prohibiting using trichloroethylene; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Delete everything after the enacting clause and insert:

"Section 1. **[116.385] TRICHLOROETHYLENE; BAN.**

Subdivision 1. **Definitions.** For the purposes of this section, "trichloroethylene" means a chemical with the Chemical Abstract Services Registry Number of 79-01-6.

Subd. 2. **Use restriction.** (a) Beginning June 1, 2022, an owner or operator of a facility required to have an air emissions permit issued by the Pollution Control Agency may not use trichloroethylene at its permitted facility, including in any manufacturing, processing, or cleaning processes, except as otherwise provided in this section. Cessation of use must be made enforceable in the air emissions permit for the facility or in an enforceable agreement by June 1, 2022.

(b) If additional time is needed to assess replacement chemicals or modifications to facility operations under subdivision 3, paragraph (b), then by June 1, 2022, the commissioner shall include a schedule of compliance in the facility's permit or enter into an enforceable agreement that requires compliance with this section before June 1, 2023.

Subd. 3. **Use notice and restriction.** (a) Beginning July 1, 2020, the Pollution Control Agency shall notify the owner or operator of a facility with an air emissions permit issued by the Pollution Control Agency that the facility is required within 30 days of receipt of the notice to inform the Pollution Control Agency, on a form provided by the Pollution Control Agency, of whether the facility uses trichloroethylene, including in any manufacturing, processing, or cleaning processes. The notice required under this subdivision shall include a copy of this section regarding use restrictions commencing on June 1, 2022.

(b) An owner or operator notified under paragraph (a) that uses trichloroethylene shall, within 90 days of receipt of notice, inform the Pollution Control Agency that the owner or operator will perform a feasibility study to determine if there is a replacement chemical that performs the function

for which trichloroethylene is used at the facility that is commercially available at a reasonable cost of use, or a commercially viable modification of operation to reduce trichloroethylene use. The owner or operator may request the Minnesota Technical Assistance Program (MnTAP) to perform such a feasibility study on its behalf. Upon completion, the owner or operator shall submit the feasibility study to the commissioner.

Subd. 4. **Exceptions.** (a) The commissioner of the Pollution Control Agency shall grant exceptions to the prohibition in subdivision 2, for any of the following uses where compliance with the health-based value and health risk limits for trichloroethylene established by the Department of Health as of January 1, 2019, is demonstrated:

(1) use of trichloroethylene in closed systems so that no trichloroethylene is emitted from the facility;

(2) holding trichloroethylene or products containing trichloroethylene for distribution to a third party; and

(3) a hospital licensed under sections 144.50 to 144.56, or an academic medical facility.

(b) The commissioner of the Pollution Control Agency may grant exceptions to the prohibition in subdivision 2 through the variance process established in Minnesota Rules, part 7000.7000, for any of the following uses where compliance with the health-based value and health risk limits for trichloroethylene established by the Department of Health as of January 1, 2019, is demonstrated:

(1) a facility that uses trichloroethylene for research and development, or other laboratory or experimental purposes; and

(2) a facility that processes trichloroethylene for waste disposal.

(c) The commissioner of the Pollution Control Agency may grant an exception to the prohibition in subdivision 2 to a facility that has performed a feasibility study under subdivision 3, paragraph (b), and that feasibility study concludes there are no replacement chemicals or modification of operation that performs the function for which trichloroethylene is used at the facility and that is commercially available at a reasonable cost of use, and that as a result the facility cannot completely eliminate emissions of trichloroethylene. An exemption granted under this paragraph shall be provided through the variance process established in Minnesota Rules, part 7000.7000.

(d) Owners or operators of facilities seeking an exception under this section must submit information to the commissioner that specifies the exception that applies and provide all information needed to determine applicability.

Subd. 5. **Application of exceptions.** Nothing in subdivision 4 shall be construed to authorize a use of an amount of trichloroethylene that exceeds the levels authorized in a stipulation agreement entered into between the Pollution Control Agency and a permittee that was in effect on June 1, 2022.

Subd. 6. **Reimbursement for feasibility study.** The commissioner may reimburse MnTAP or owners or operators for the costs associated with a feasibility study under subdivision 3, paragraph (b), with funds appropriated for that purpose.

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

Sec. 2. **APPROPRIATION; FEASIBILITY STUDY REIMBURSEMENTS.**

\$1,288,000 in fiscal year 2021 is appropriated from the environmental fund to the commissioner of the Pollution Control Agency for the costs associated with implementing Minnesota Statutes, section 116.385. Of this amount, \$600,000 is for reimbursements authorized by the commissioner under Minnesota Statutes, section 116.385, subdivision 6. This is a onetime appropriation and is available until June 30, 2023."

Delete the title and insert:

"A bill for an act relating to environment; banning certain uses of trichloroethylene; appropriating money to help identify alternative chemicals; proposing coding for new law in Minnesota Statutes, chapter 116."

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

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

S.F. No. 3275: A bill for an act relating to elections; creating a technology and cybersecurity account; providing for technology and cybersecurity maintenance; requiring election day registrants to cast provisional ballots; amending the process to register to vote in conjunction with submitting an absentee ballot; making conforming changes; appropriating money; amending Minnesota Statutes 2018, sections 171.072; 201.061, subdivisions 1a, 3, 4; 201.121, subdivision 1; 201.225, subdivisions 2, 5; 203B.04, subdivision 4; 203B.07, subdivision 3; 203B.08, subdivision 3; 203B.081, subdivision 3; 203B.121, subdivision 2; 204C.07, subdivision 3a; 204C.32; 204C.33, subdivision 1; 204C.37; 205.065, subdivision 5; 205.185, subdivision 3; 205A.03, subdivision 4; 205A.10, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 5; 204C; repealing Minnesota Statutes 2018, sections 135A.17, subdivision 2; 201.061, subdivision 7; 201.121, subdivision 3.

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

Page 1, line 19, delete "(a)" and insert "(b)"

Page 1, delete subdivision 2 and insert:

"Subd. 2. **Account.** (a) The technology and cybersecurity account is created in the special revenue fund. Money in the account is annually appropriated to the secretary of state for the maintenance and enhancement of the secretary of state's information and telecommunications technology systems and services and for cybersecurity capabilities. Any unexpended and unencumbered amount remaining in the account at the end of a biennium lapses to the general fund.

(b) The secretary of state shall retain two percent of all nondedicated general fund fees and deposit the money in the technology and cybersecurity account."

Page 19, line 29, after "governments" insert "for informational signage and"

Page 19, line 30, delete "complying" and insert "supplies to comply"

Page 19, line 31, delete "2021" and insert "2023"

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

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

S.F. No. 3013: A bill for an act relating to energy; establishing the Natural Gas Innovation Act; encouraging natural gas utilities to develop alternative resources; requiring a renewable gaseous fuel inventory; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Senator Osmek from the Committee on Energy and Utilities Finance and Policy, to which was referred

S.F. No. 3562: A bill for an act relating to energy; establishing a net zero emissions project; requiring a report; appropriating money.

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

Page 1, line 11, after "development," insert "provide public education,"

Page 1, line 18, delete "January" and insert "July"

Page 2, line 1, delete "2021" and insert "2022"

Page 2, line 10, after the period, insert "This is a onetime appropriation and is available until the date specified in paragraph (b)."

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

Senator Osmek from the Committee on Energy and Utilities Finance and Policy, to which was referred

S.F. No. 4085: A bill for an act relating to environmental protection; appropriating money for the Byllesby Dam.

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

Page 1, line 5, after "appropriated" insert "in fiscal year 2021"

Page 1, line 9, after the period, insert "This is a onetime appropriation and is available until the project is completed. In the event that this project is funded through other legislation in the 2020 legislative session, this appropriation is canceled."

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

Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was re-referred

S.F. No. 2589: A bill for an act relating to human services; prohibiting transfers by the commissioner of human services; requiring a report.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2016, section 16A.011, is amended by adding a subdivision to read:

Subd. 15a. **Transfer.** A "transfer" means the authorization to move state money from one fund, account, or agency to another fund, account, or agency within the state treasury. When authorized by law, a transfer must reduce money in one fund, account, or agency and increase the same amount to a separate fund, account, or agency.

Sec. 2. Minnesota Statutes 2018, section 16A.285, is amended to read:

16A.285 ALLOWED APPROPRIATION TRANSFERS.

Subdivision 1. **Allowed appropriation transfers.** An agency in the executive, legislative, or judicial branch may transfer state agency operational money between programs within the same fund if: (1) the agency first notifies the commissioner as to the type and intent of the transfer; and (2) the transfer is consistent with legislative intent. If an amount is specified for an item within an activity, that amount must not be transferred or used for any other purpose.

The commissioner shall report the transfers to the chairs of the senate finance and house of representatives ways and means committees.

Subd. 2. **Prohibited appropriation transfers.** Notwithstanding subdivision 1 or any other law to the contrary, neither the commissioner of management and budget nor the commissioner of human services shall make any transfer for the Department of Human Services.

Sec. 3. DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES; REPORT ON STATUTORY APPROPRIATIONS.

By October 1, 2021, the commissioner of human services shall submit to the chairs and ranking minority members of the legislative committees with jurisdiction over human services finance a report identifying every statutory appropriation to the commissioner of human services. The report must include the fund to which the appropriation is made, the statutory citation for the appropriation, the revenue source related to the statutory appropriation, the rationale for the appropriation being a statutory appropriation, and the current projected revenue and expenditures related to the statutory appropriation."

Amend the title numbers accordingly

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

Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred

S.F. No. 3700: A bill for an act relating to human services; modifying customized living quality improvement grants; amending Laws 2019, First Special Session chapter 9, article 4, section 28; article 14, section 2, subdivision 27.

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

Page 1, line 15, strike ", giving" and insert "Until June 30, 2021, the commissioner shall give"

Page 1, line 16, delete the new language and insert a period

Page 1, delete lines 17 and 18 and insert:

"(b) Effective July 1, 2021, to be eligible for a grant under this section, a provider must serve at least 75 waiver participants, and at least 75 percent of the clients served by the provider must be waiver participants. For providers of customized living services under the brain injury or community access for disability inclusion, the required 75 waiver participants must reside at multiple locations each with six or more residents. The commissioner shall give greater preference to those providers serving a higher percentage of waiver participants.

(c) The commissioner shall limit expenditures under this subdivision to the amount appropriated for this purpose."

Page 1, line 19, strike "(b)" and insert "(d)"

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

Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was re-referred

S.F. No. 2530: A bill for an act relating to human services; requiring a national criminal history record check for guardians and conservators; requiring quarterly review of licensing agency data for study subjects; amending Minnesota Statutes 2018, sections 245C.10, by adding a subdivision; 245C.32, subdivision 2; 524.5-118.

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

Page 1, line 9, delete "14" and insert "15"

Page 1, line 11, delete "\$....." and insert "\$110"

Page 1, after line 12, insert:

"EFFECTIVE DATE. This section is effective January 1, 2021."

Page 2, after line 12, insert:

"EFFECTIVE DATE. This section is effective January 1, 2021."

Page 6, line 12, strike everything after "(f)"

Page 6, strike lines 13 and 14

Page 6, line 15, delete "(g)"

Page 6, line 20, delete "(h)" and insert "(g)"

Page 7, after line 8, insert:

"EFFECTIVE DATE. This section is effective January 1, 2021."

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

Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred

S.F. No. 3758: A bill for an act relating to human services; clarifying the excess income standard for medical assistance; amending Minnesota Statutes 2019 Supplement, section 256B.056, subdivision 5c.

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

Senator Westrom from the Committee on Agriculture, Rural Development, and Housing Finance, to which was re-referred

S.F. No. 3801: A bill for an act relating to housing; allowing the use of housing infrastructure bonds for single family houses; amending Minnesota Statutes 2018, section 462A.37, subdivision 1; Minnesota Statutes 2019 Supplement, section 462A.37, subdivision 2.

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

Page 2, line 3, delete "construction or rehabilitation" and insert "acquisition, rehabilitation, or adaptive use"

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

Senator Nelson from the Committee on E-12 Finance and Policy, to which was referred

S.F. No. 3915: A bill for an act relating to education; codifying the teacher code of ethics; requiring Professional Educator Licensing and Standards Board to develop a process for ethics complaints; amending Minnesota Statutes 2018, section 122A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 2018, section 122A.09, subdivision 1; Minnesota Rules, part 8710.2100, subparts 1, 2.

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

Senator Nelson from the Committee on E-12 Finance and Policy, to which was referred

S.F. No. 3490: A bill for an act relating to education; modifying the grounds for revocation, suspension, or denial of a teaching license; amending Minnesota Statutes 2019 Supplement, section 122A.20, subdivision 1.

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

Senator Nelson from the Committee on E-12 Finance and Policy, to which was re-referred

S.F. No. 3003: A bill for an act relating to human services; providing vocational services for individuals with disabilities; requiring reports.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Human Services Reform Finance and Policy. Report adopted.

Senator Nelson from the Committee on E-12 Finance and Policy, to which was referred

S.F. No. 3630: A bill for an act relating to education; amending the administration of the collaborative urban and greater Minnesota educators of color grant program; providing for hiring bonuses; amending Minnesota Statutes 2018, section 123B.02, by adding a subdivision; Minnesota Statutes 2019 Supplement, section 122A.635; Laws 2019, First Special Session chapter 11, article 3, section 22, subdivisions 1, 2.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2019 Supplement, section 122A.635, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The Professional Educator Licensing and Standards Board must award competitive grants to increase the number of teacher candidates of color or who are American Indian, and meet the requirements for a Tier 3 license under section 122A.183. Eligibility for a grant under this section is limited to ~~public or private higher education institutions that offer a teacher preparation program~~ providers approved by the Professional Educator Licensing and Standards Board."

Page 3, delete sections 3 and 4

Amend the title as follows:

Page 1, line 2, delete "administration of" and insert "eligibility for"

Amend the title numbers accordingly

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

Senator Nelson from the Committee on E-12 Finance and Policy, to which was re-referred

S.F. No. 3746: A bill for an act relating to workforce development; modifying the youth skills training program; amending Minnesota Statutes 2018, section 175.46, subdivision 2; Minnesota Statutes 2019 Supplement, section 175.46, subdivision 3.

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

Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred

S.F. No. 3494: A bill for an act relating to elections; making technical and policy changes to provisions related to elections administration including provisions related to voting, voter registration, polling places, ballots, recounts, contests, candidates, and various other election-related provisions; extending availability of election equipment grant money; amending Minnesota Statutes 2018, sections 5B.06; 201.061, subdivision 3; 201.071, subdivisions 1, 2, 3, 8; 201.12, subdivision 2; 201.121, subdivision 3; 201.13, subdivision 3; 201.1611, subdivision 1; 201.225, subdivision 2; 202A.16, subdivision 1; 203B.04, subdivision 1; 203B.081, subdivisions 1, 2; 203B.12, subdivision 7; 203B.121, subdivision 2; 203B.16, subdivision 2; 203B.24, subdivision 1; 204B.06, subdivision 4a; 204B.09, subdivisions 1, 3; 204B.16, subdivision 1; 204B.19, subdivision 6; 204B.21, subdivision 2; 204B.36, subdivision 2; 204B.45, subdivisions 1, 2; 204B.46; 204C.05, subdivisions 1a, 1b; 204C.21, subdivision 1; 204C.27; 204C.33, subdivision 3; 204C.35, subdivision 3, by adding a subdivision; 204C.36, subdivision 1; 204D.08, subdivision 4; 204D.13, subdivision 1; 204D.19, subdivision 2; 204D.22, subdivision 3; 204D.23, subdivision 2; 204D.27, subdivision 5; 204D.28, subdivisions 9, 10; 205.13, subdivision 5; 205A.10, subdivision 5; 205A.12, subdivision 5; 206.805, subdivision 1; 206.89, subdivisions 4, 5; 206.90, subdivision 6; 207A.13; 207A.14, subdivision 3; 208.03; 209.021, subdivision 2; 211B.11, subdivision 1; 367.03, subdivision 6; 367.25, subdivision 1; 412.02, subdivision 2a; 447.32, subdivision 4; Minnesota Statutes 2019 Supplement, sections 203B.121, subdivision 4; 207A.12; Laws 2017, First Special Session chapter 4, article 1, section 6, subdivision 5.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 201.071, subdivision 2, is amended to read:

Subd. 2. **Instructions.** (a) A registration application shall be accompanied by instructions specifying the manner and method of registration, the qualifications for voting, the penalties for false registration, and the availability of registration and voting assistance for elderly and disabled individuals and residents of health care facilities and hospitals.

(b) The instructions must indicate that ~~if the voter does not have~~ must provide a valid Minnesota driver's license or identification card number, or the last four digits of the voter's Social Security number must be provided, unless the voter does not have a Social Security number, unless the voter has not been issued one of those numbers.

(c) If, prior to election day, a person requests the instructions in Braille, audio format, or in a version printed in 16-point bold type with 24-point leading, the county auditor shall provide them

in the form requested. The secretary of state shall prepare Braille and audio copies and make them available.

Sec. 2. Minnesota Statutes 2018, section 201.121, subdivision 3, is amended to read:

Subd. 3. **Postelection sampling.** (a) Within ten days after an election, the county auditor shall send the notice required by subdivision 2 to a random sampling of the individuals registered on election day. The random sampling shall be determined in accordance with the rules of the secretary of state. As soon as practicable after the election, the county auditor shall mail the notice required by subdivision 2 to all other individuals registered on election day. If a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. A county auditor who does not receive or obtain satisfactory proof of an individual's eligibility to vote shall immediately notify the county attorney of all of the relevant information. ~~The~~ By February 15 of each odd-numbered year, the county auditor must notify the secretary of state of the following information for the previous state general election by each precinct:

(1) the total number of all notices that were returned as nondeliverable;

(2) the total number of nondeliverable notices that the county auditor was able to determine the reason for the return along with the reason for each return; and

(3) the total number of individuals for whom the county auditor does not receive or obtain satisfactory proof of an individual's eligibility to vote.

(b) By March 1 of every odd-numbered year, the secretary of state shall report to the chair and ranking minority members of the legislative committees with jurisdiction over elections the following information for the previous state general election by each precinct and each county:

(1) the total number of all notices that were returned as nondeliverable;

(2) the total number of nondeliverable notices that a county auditor was able to determine the reason for the return along with the reason for each return; and

(3) the total number of individuals for whom the county auditor does not receive or obtain satisfactory proof of an individual's eligibility to vote.

Sec. 3. Minnesota Statutes 2018, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **Application procedures.** (a) Except as otherwise allowed by subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided by the secretary of state and shall furnish them to any person on request. By January 1 of each even-numbered year, the secretary of state shall make the forms to be used available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing. An application may be submitted in person, by electronic facsimile device, by electronic mail, or by mail to:

(1) the county auditor of the county where the applicant maintains residence; or

(2) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

For a federal, state, or county election, an absentee ballot application may alternatively be submitted electronically through a secure website that shall be maintained by the secretary of state for this purpose. Notwithstanding paragraph (b), the secretary of state must require applicants using the website to submit the applicant's e-mail address and verifiable Minnesota driver's license number, Minnesota state identification card number, or the last four digits of the applicant's Social Security number.

An application submitted electronically under this paragraph may only be transmitted to the county auditor for processing if the secretary of state has verified the application information matches the information in a government database associated with the applicant's driver's license number, state identification card number, or Social Security number. The secretary of state must review all unverifiable applications for evidence of suspicious activity and must forward any such application to an appropriate law enforcement agency for investigation.

(b) An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, date of birth, and at least one of the following:

- (1) the applicant's Minnesota driver's license number;
- (2) Minnesota state identification card number;
- (3) the last four digits of the applicant's Social Security number; or
- (4) a statement that the applicant does not have any of these numbers.

(c) To be approved, the application must contain an oath that the information contained on the form is accurate, that the applicant is applying on the applicant's own behalf, and that the applicant is signing the form under penalty of perjury.

(d) An applicant's full date of birth, Minnesota driver's license or state identification number, and the last four digits of the applicant's Social Security number must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot ~~may~~ must not be made available for public inspection until the close of voting on election day, except as authorized in section 203B.12, and must be available to the public in the same manner as public information lists in section 201.091, subdivisions 4, 5, and 9.

(e) An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 4. Minnesota Statutes 2018, section 203B.081, subdivision 1, is amended to read:

Subdivision 1. **Location; timing.** An eligible voter may vote by absentee ballot in the office of the county auditor and at any other polling place designated by the county auditor during the 46 days before the election, except as provided in this section. The county auditor shall make such polling place designations at least 14 weeks before the election. Voters casting absentee ballots in person for a town election held in March may do so during the 46 days before the election.

Sec. 5. Minnesota Statutes 2018, section 203B.081, subdivision 2, is amended to read:

Subd. 2. ~~**Town elections**~~ **Voting booth; electronic ballot marker.** ~~Voters casting absentee ballots in person for a town election held in March may do so during the 30 days before the election. The county auditor shall make such designations at least 14 weeks before the election. For purposes of this section, the county auditor must make available in each polling place (1) at least one voting booth in each polling place must be made available by the county auditor for this purpose. The county auditor must also make available, and (2) at least one electronic ballot marker in each polling place that has implemented a voting system that is accessible for individuals with disabilities pursuant to section 206.57, subdivision 5.~~

Sec. 6. Minnesota Statutes 2018, section 203B.12, subdivision 7, is amended to read:

Subd. 7. **Names of persons; rejected absentee ballots.** The names of voters who have submitted an absentee ballot to the county auditor or municipal clerk that has not been accepted ~~may~~ must not be made available for public inspection until the close of voting on election day.

After the close of voting on election day, the lists must be available to the public in the same manner as public information lists in section 201.091, subdivisions 4, 5, and 9.

Sec. 7. Minnesota Statutes 2018, section 203B.121, subdivision 2, is amended to read:

Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board shall take possession of all ~~return~~ signature envelopes delivered to them in accordance with section 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk, two or more members of the ballot board shall examine each ~~return~~ signature envelope and shall mark it accepted or rejected in the manner provided in this subdivision. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.

(b) The members of the ballot board shall mark the ~~return~~ signature envelope "Accepted" and initial or sign the ~~return~~ signature envelope below the word "Accepted" if a majority of the members of the ballot board examining the envelope are satisfied that:

(1) the voter's name and address on the ~~return~~ signature envelope are the same as the information provided on the absentee ballot application;

(2) the voter signed the certification on the envelope;

(3) the voter's Minnesota driver's license, state identification number, or the last four digits of the voter's Social Security number are the same as a number on the voter's absentee ballot application or voter record. If the number does not match, the election judges must compare the signature

provided by the applicant to determine whether the ballots were returned by the same person to whom they were transmitted;

(4) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the ~~return~~ signature envelope;

(5) the certificate has been completed as prescribed in the directions for casting an absentee ballot; and

(6) the voter has not already voted at that election, either in person or, if it is after the close of business on the seventh day before the election, by absentee ballot.

The ~~return~~ signature envelope from accepted ballots must be preserved and returned to the county auditor.

(c)(1) If a majority of the members of the ballot board examining a ~~return~~ signature envelope find that an absentee voter has failed to meet one of the requirements provided in paragraph (b), they shall mark the ~~return~~ signature envelope "Rejected," initial or sign it below the word "Rejected," list the reason for the rejection on the envelope, and return it to the county auditor. There is no other reason for rejecting an absentee ballot beyond those permitted by this section. Failure to place the ballot within the ~~security~~ secrecy envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

(2) If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the rejected ballot.

(3) If an envelope is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

(d) The official in charge of the absentee ballot board must mail the voter a written notice of absentee ballot rejection between six and ten weeks following the election. If the official determines that the voter has otherwise cast a ballot in the election, no notice is required. If an absentee ballot arrives after the deadline for submission provided by this chapter, the notice must be provided between six to ten weeks after receipt of the ballot. A notice of absentee ballot rejection must contain the following information:

(1) the date on which the absentee ballot was rejected or, if the ballot was received after the required deadline for submission, the date on which the ballot was received;

(2) the reason for rejection; and

(3) the name of the appropriate election official to whom the voter may direct further questions, along with appropriate contact information.

(e) An absentee ballot ~~return~~ signature envelope marked "Rejected" may not be opened or subject to further review except in an election contest filed pursuant to chapter 209.

Sec. 8. Minnesota Statutes 2019 Supplement, section 203B.121, subdivision 4, is amended to read:

Subd. 4. **Opening of envelopes.** After the close of business on the seventh day before the election, the ballots from ~~return~~ security envelopes within the signature envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided in section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate ballot box. If more than one voted ballot is enclosed in the ballot envelope, the ballots must be returned in the manner provided by section 204C.25 for return of spoiled ballots, and may not be counted.

Sec. 9. Minnesota Statutes 2018, section 203B.24, subdivision 1, is amended to read:

Subdivision 1. **Check of voter eligibility; proper execution of certificate.** Upon receipt of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the election judges shall compare the voter's name with the names recorded under section 203B.19 in the statewide registration system to insure that the ballot is from a voter eligible to cast an absentee ballot under sections 203B.16 to 203B.27. The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges are satisfied that:

(1) the voter's name and address on the return envelope appears in substantially the same form as on the application records provided to the election judges by the county auditor;

(2) the voter has signed the federal oath prescribed pursuant to section 705(b)(2) of the Help America Vote Act, Public Law 107-252;

(3) the voter has set forth the same voter's passport number, or Minnesota driver's license or state identification card number, or the last four digits of the voter's Social Security number as submitted on the application, if the voter has one of these documents;

(4) the voter is not known to have died; and

(5) the voter has not already voted at that election, either in person or by absentee ballot.

If the identification number described in clause (3) does not match the number as submitted on the application, the election judges must make a reasonable effort to satisfy themselves through other information provided by the applicant, or by an individual authorized to apply on behalf of the voter, that the ballots were returned by the same person to whom the ballots were transmitted.

An absentee ballot cast pursuant to sections 203B.16 to 203B.27 may only be rejected for the lack of one of clauses (1) to (5). In particular, failure to place the ballot within the ~~security~~ security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

Election judges must note the reason for rejection on the back of the envelope in the space provided for that purpose.

Failure to return unused ballots shall not invalidate a marked ballot, but a ballot shall not be counted if the certificate on the return envelope is not properly executed. In all other respects the provisions of the Minnesota Election Law governing deposit and counting of ballots shall apply.

Notwithstanding other provisions of this section, the counting of the absentee ballot of a deceased voter does not invalidate the election.

Sec. 10. Minnesota Statutes 2018, section 204B.09, subdivision 3, is amended to read:

Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought not more than 84 days before the primary and no later than the seventh day before the general election. The filing officer shall provide copies of the form to make the request. No written request shall be accepted later than 5:00 p.m. on the last day for filing a written request.

(b) A candidate for president of the United States who files a request under this subdivision must ~~include the name of a candidate for vice president of the United States.~~ file jointly with another individual seeking nomination as a candidate for vice president of the United States. A candidate for vice president of the United States who files a request under this subdivision must file jointly with another individual seeking nomination as a candidate for president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

(c) A candidate for governor who files a request under this subdivision must ~~include the name of a candidate for lieutenant governor.~~ file jointly with another individual seeking nomination as a candidate for lieutenant governor. A candidate for lieutenant governor who files a request under this subdivision must file jointly with another individual seeking nomination as a candidate for governor.

Sec. 11. Minnesota Statutes 2018, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. **Authority; location.** (a) By December 31 of each year, the governing body of each municipality and of each county with precincts in unorganized territory must designate by ordinance or resolution a polling place for each election precinct. The polling places designated in the ordinance or resolution are the polling places for the following calendar year, unless a change is made; any changes to a polling place location. A polling place must be maintained for the following calendar year unless changed:

(1) by ordinance or resolution by December 31 of the previous year;

~~(+)~~ (2) pursuant to section 204B.175;

~~(-)~~ (3) because a polling place has become unavailable; or

~~(-)~~ (4) because a township designates one location for all state, county, and federal elections and one location for all township only elections.

(b) Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city or in a school district located in whole or in part in the metropolitan area defined by section 200.02, subdivision 24, shall be located within the boundaries of the precinct or within one mile of one of those boundaries unless a single polling

place is designated for a city pursuant to section 204B.14, subdivision 2, or a school district pursuant to section 205A.11. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section 200.02, subdivision 24, then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district.

Sec. 12. Minnesota Statutes 2018, section 204B.36, subdivision 2, is amended to read:

Subd. 2. **Candidates and offices.** The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office shall be printed above or below the name of the candidate. The name of a political party or a political principle shall be printed in capital and lowercase letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. At a general or special election, blank lines containing the words "write-in, if any" shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed an oval or similar target shape in which the voter may designate a vote by filling in the oval or similar mark if a different target shape is used. Each oval or target shape shall be the same size. Above the first name on each ballot shall be instructions for voting. Directly underneath the official title of each office shall be printed the words "Vote for one" or "Vote for up to ..." (any greater number to be elected).

Sec. 13. Minnesota Statutes 2018, section 204C.05, subdivision 1a, is amended to read:

Subd. 1a. **Elections; organized town.** The governing body of a town with less than 500 inhabitants according to the most recent federal decennial census, which is located outside the metropolitan area as defined in section 200.02, subdivision 24, may fix a later time for voting to begin at state primary, special, or general elections, if approved by a vote of the town electors at the annual town meeting. The question of shorter voting hours must be included in the notice of the annual town meeting before the question may be submitted to the electors at the meeting. The later time may not be later than 10:00 a.m. for special, primary, or general elections. The town clerk shall either post or publish notice of the changed hours and notify the county auditor and the secretary of state of the change 30 days before the election.

Sec. 14. Minnesota Statutes 2018, section 204C.05, subdivision 1b, is amended to read:

Subd. 1b. **Elections; unorganized territory.** An unorganized territory or unorganized territories which constitute a voting district may have shorter voting hours if at least 20 percent of the registered voters residing in the voting district sign a petition for shorter hours and present it to the county auditor and secretary of state at least 30 days before the election. The later time may not be later than 10:00 a.m. for special, primary, or general elections. The county auditor shall either post or publish notice of the changed hours, within the voting district, 30 days before the election.

Sec. 15. Minnesota Statutes 2018, section 204C.21, subdivision 1, is amended to read:

Subdivision 1. **Method.** The election judges shall take all the ballots of the same kind and count the votes cast for each office or question, beginning with the first office or question on the ballot. They shall make one pile of the ballots for each candidate who received votes for that office, or one pile for the "Yes" votes and one pile for the "No" votes on a question. They shall make a pile of totally defective ballots and a pile of totally blank ballots. They shall make a pile of ballots that are not totally defective but are defective with respect to the office or question being counted and a pile of ballots that are not totally blank but are blank with respect to the office or question being counted. After the separation into piles, the election judges shall examine each pile and remove and place in the proper pile any ballots that are found in the wrong pile. The election judges shall count the totally blank and totally defective ballots and set them aside until the counting is over for that ballot. In conducting the count of blank ballots, election judges may presume that the total count provided for prepackaged ballots is correct. The election judges may pile ballots crosswise in groups of 25 in the same pile to facilitate counting. When their counts agree, the election judges shall announce the number of ballots in each pile, and shall write the number in the proper place on the summary statements.

The election judges shall then return all the counted ballots, and all the partially defective or partially blank ballots, to the original pile to be separated and counted in the same manner for the next office or question.

Sec. 16. Minnesota Statutes 2018, section 204C.27, is amended to read:

204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.

One or more of the election judges in each precinct shall deliver ~~two sets~~ one set of summary statements; all spoiled ballots; and the envelopes containing the ballots either directly to the municipal clerk for transmittal to the county auditor's office or directly to the county auditor's office as soon as possible after the vote counting is completed but no later than 24 hours after the end of the hours for voting. One or more election judges shall deliver the remaining set of summary statements and returns, all unused and spoiled municipal and school district ballots, the envelopes containing municipal and school district ballots, and all other things furnished by the municipal or school district clerk, to the municipal or school district clerk's office within 24 hours after the end of the hours for voting. The municipal or school district clerk shall return all polling place rosters and completed voter registration cards to the county auditor within 48 hours after the end of the hours for voting.

Sec. 17. Minnesota Statutes 2018, section 204C.33, subdivision 3, is amended to read:

Subd. 3. **State canvass.** The State Canvassing Board shall meet at a public meeting space located in the Capitol complex area on the third Tuesday following the state general election to canvass the certified copies of the county canvassing board reports received from the county auditors and shall prepare a report that states:

- (1) the number of individuals voting in the state and in each county;
- (2) the number of votes received by each of the candidates, specifying the counties in which they were cast; and

(3) the number of votes counted for and against each constitutional amendment, specifying the counties in which they were cast.

Upon completion of the canvass, the State Canvassing Board shall declare the candidates duly elected who received the highest number of votes for each federal and state office. All members of the State Canvassing Board shall sign the report and certify its correctness. The State Canvassing Board shall declare the result within three days after completing the canvass.

Sec. 18. Minnesota Statutes 2018, section 204C.35, subdivision 3, is amended to read:

Subd. 3. **Scope of recount.** A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office or question to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process. Original ballots that have been duplicated under section 206.86, subdivision 5, are not within the scope of a recount and must not be examined except as provided by a court in an election contest under chapter 209.

Sec. 19. Minnesota Statutes 2018, section 204C.36, subdivision 1, is amended to read:

Subdivision 1. **Publicly funded recounts.** (a) Except as provided in paragraphs (b) and (c), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is less than one-quarter of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the one-quarter of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(b) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the votes cast for that candidate and for a winning candidate for nomination or election is less than one-half of one percent, and the total number of votes cast for the nomination or election of all candidates is more than 400 but less than 50,000. In cases of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(c) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(d) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests under this paragraph shall be filed by between the close of the canvass of a primary or special primary and 5:00 p.m. on the fifth day after

the canvass of a primary or special primary or ~~by~~ between the close of the canvass of a special or general election and 5:00 p.m. on the seventh day of the canvass of a special or general election for which a recount is sought.

(e) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district.

Sec. 20. Minnesota Statutes 2018, section 204D.08, subdivision 4, is amended to read:

Subd. 4. **State partisan primary ballot; party columns.** The state partisan primary ballot shall be headed by the words "State Partisan Primary Ballot." The ballot shall be printed on white paper. There must be at least three vertical columns on the ballot and each major political party shall have a separate column headed by the words "..... Party," giving the party name. Above the party names, the following statement shall be printed.

"Minnesota Election Law permits you to vote for the candidates of only one political party in a state partisan primary election."

If there are only two major political parties to be listed on the ballot, one party must occupy the left-hand column, the other party must occupy the right-hand column, and the center column must contain the following statement:

"Do not vote for candidates of more than one party."

The names of the candidates seeking the nomination of each major political party shall be listed in that party's column. If only one individual files an affidavit of candidacy seeking the nomination of a major political party for an office, the name of that individual shall be placed on the state partisan primary ballot at the appropriate location in that party's column.

In each column, the candidates for senator in Congress shall be listed first, candidates for representative in Congress second, candidates for state senator third, candidates for state representative fourth and then candidates for state office in the order specified by the secretary of state. Vacant offices being filled by special election must be listed with other offices of that type, but after any office of that type for which a candidate will be elected for a full term.

The party columns shall be substantially the same in width, type, and appearance. The columns shall be separated by a 12-point solid line.

Sec. 21. Minnesota Statutes 2018, section 204D.13, subdivision 1, is amended to read:

Subdivision 1. **Order of offices.** The candidates for partisan offices shall be placed on the state general election ballot in the following order: senator in Congress shall be first; representative in Congress, second; state senator, third; and state representative, fourth. The candidates for state offices shall follow in the order specified by the secretary of state. Candidates for governor and lieutenant governor shall appear so that a single vote may be cast for both offices. Vacant offices

being filled by special election must be listed with other offices of that type, but after any office of that type for which a candidate will be elected for a full term.

Sec. 22. Minnesota Statutes 2018, section 204D.27, subdivision 5, is amended to read:

Subd. 5. **Canvass; special primary; state canvassing board; contest.** Not later than four days after the returns of the county canvassing boards are certified to the secretary of state, the State Canvassing Board shall complete its canvass of the special primary. The secretary of state shall then promptly certify to the county auditors the names of the nominated individuals, prepare notices of nomination, and notify each nominee of the nomination. In case of a contest of a special primary for state senator or state representative, the notice of contest must be filed within four days, excluding Sundays and legal holidays, after the canvass is completed, and the contest shall otherwise proceed in the manner provided by law for contesting elections.

Sec. 23. Minnesota Statutes 2018, section 204D.28, subdivision 9, is amended to read:

Subd. 9. **Filing by candidates.** The time for filing of affidavits and nominating petitions for candidates to fill a vacancy at a special election shall open 12 weeks before the special primary or on the day the secretary of state issues notice of the special election, whichever occurs later. Filings shall close ten weeks before the special primary. A candidate filing for the office of United States senator to fill a vacancy at a special election when both offices of United States senator are required to be placed on the same ballot must specify on the affidavit of candidacy the expiration date of the term of the office that the candidate is seeking.

Sec. 24. Minnesota Statutes 2018, section 204D.28, subdivision 10, is amended to read:

Subd. 10. **United States senator; candidates; designation of term.** When the names of candidates for both offices of United States senator are required to be placed on the same ballot, the expiration date of the term of each office shall be printed on the ballot in the office heading opposite the name of each candidate for nomination or election to that office.

Sec. 25. Minnesota Statutes 2018, section 206.805, subdivision 1, is amended to read:

Subdivision 1. **Contracts required.** (a) The secretary of state, with the assistance of the commissioner of administration, must establish one or more state voting systems contracts. The contracts should, if practical, include provisions for maintenance of the equipment purchased. The voting systems contracts must address precinct-based optical scan voting equipment, assistive voting technology, automatic tabulating equipment, and electronic roster equipment. The contracts must give the state a perpetual license to use and modify the software. The contracts must include provisions to escrow the software source code, ~~as provided in subdivision 2.~~ Bids for voting systems and related election services must be solicited from each vendor selling or leasing voting systems that have been certified for use by the secretary of state. Bids for electronic roster equipment, software, and related services must be solicited from each vendor selling or leasing electronic roster equipment that meets the requirements of section 201.225, subdivision 2. The contracts must be renewed from time to time.

(b) Counties and municipalities may purchase or lease voting systems and obtain related election services from the state contracts. All counties and municipalities are members of the cooperative purchasing venture of the Department of Administration for the purpose of this section. For the

purpose of township elections, counties must aggregate orders under contracts negotiated under this section for products and services and may apportion the costs of those products and services proportionally among the townships receiving the products and services. The county is not liable for the timely or accurate delivery of those products or services.

Sec. 26. Minnesota Statutes 2018, section 206.89, subdivision 4, is amended to read:

Subd. 4. **Standard of acceptable performance by voting system.** A comparison of the results compiled by the voting system with the postelection review described in this section must show that the results of the electronic voting system differed by no more than ~~one-half~~ one-quarter of one percent from the manual count of the offices reviewed. Valid votes that have been marked by the voter outside the vote targets or using a manual marking device that cannot be read by the voting system must not be included in making the determination whether the voting system has met the standard of acceptable performance for any precinct.

Sec. 27. Minnesota Statutes 2018, section 206.89, subdivision 5, is amended to read:

Subd. 5. **Additional review.** (a) If the postelection review in one of the reviewed precincts reveals a difference greater than ~~one-half~~ one-quarter of one percent, or greater than two votes in a precinct where 400 or fewer voters cast ballots, the postelection review official must, within two days, conduct an additional review of the races indicated in subdivision 3 in at least three precincts in the same jurisdiction where the discrepancy was discovered. If all precincts in that jurisdiction have been reviewed, the county auditor must immediately publicly select by lot at least three additional precincts for review. The postelection review official must complete the additional review within two days after the precincts are selected and report the results immediately to the county auditor. If the second review in any of the reviewed precincts also indicates a difference in the vote totals compiled by the voting system that is greater than ~~one-half~~ one-quarter of one percent from the result indicated by the postelection review, or greater than two votes in a precinct where 400 or fewer voters cast ballots, the county auditor must conduct a review of the ballots from all the remaining precincts in the county for the races indicated in subdivision 3. This review must be completed and the results must be reported to the secretary of state within one week after the second review was completed.

(b) If the results from the countywide reviews from one or more counties comprising in the aggregate more than ten percent of the total number of persons voting in the election clearly indicate that an error in vote counting has occurred, the secretary of state must notify the postelection review official of each county in the district that they must conduct manual recounts of all the ballots in the district for the affected office using the procedure outlined in section 204C.35. The recount must be completed and the results reported to the appropriate canvassing board within two weeks after the postelection review official received notice from the secretary of state.

Sec. 28. Minnesota Statutes 2018, section 206.90, subdivision 6, is amended to read:

Subd. 6. **Ballots.** In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink. In state elections, a single ballot title must be used, as provided in sections 204D.08, subdivision 6, and 204D.11, subdivision 1. ~~In odd-numbered years~~ When both municipal and school district offices

or questions appear on the ballot, the single ballot title "City (or Town) and School District Ballot" must be used.

On the front of the ballot must be printed the words "Official Ballot" and the date of the election and lines for the initials of at least two election judges.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "Additional political parties are printed on the other side of this ballot. Vote for one political party only." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "Continue voting on the nonpartisan ballot." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio ballot readers must follow the order of offices and questions on the optical scan or paper ballot used in the same precinct, or the sample ballot posted for that precinct.

Sec. 29. Minnesota Statutes 2018, section 208.03, is amended to read:

208.03 NOMINATION OF PRESIDENTIAL ELECTORS AND ALTERNATES.

Presidential electors and alternates for the major political parties of this state shall be nominated by delegate conventions called and held under the supervision of the respective state central committees of the parties of this state. At least ~~71~~ 67 days before the general election day the chair of the major political party shall certify to the secretary of state the names of the persons nominated as presidential electors, the names of persons nominated as alternate presidential electors, and the names of the party candidates for president and vice president. The chair shall also certify that the party candidates for president and vice president have no affidavit on file as a candidate for any office in this state at the ensuing general election.

Sec. 30. Minnesota Statutes 2018, section 211B.11, subdivision 1, is amended to read:

Subdivision 1. **Soliciting near polling places.** A person may not display campaign material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within a polling place or within 100 feet of the building in which a polling place is situated, or anywhere on the public property on which a polling place is situated, on primary or election day to vote for or refrain from voting for a candidate or ballot question. A person may not provide political badges, political buttons, or

other political insignia to be worn at or about the polling place on the day of a primary or election. A political badge, political button, or other political insignia may not be worn at or about the polling place on primary or election day. This section applies only during voting hours and to areas established by the county auditor or municipal clerk for absentee voting as provided in chapter 203B.

Nothing in this subdivision prohibits the distribution of "I VOTED" stickers as provided in section 204B.49.

Sec. 31. Minnesota Statutes 2018, section 367.25, subdivision 1, is amended to read:

Subdivision 1. **Requirement, fee.** Every person elected at a March election, elected at a special election, or appointed to a town office, within ten days after receiving a certificate or notice of election or appointment, shall take and subscribe the oath required by law. Persons elected at a November election shall take their oath before assuming office. If taken before the town clerk, the oath shall be administered and certified without fee.

Sec. 32. Minnesota Statutes 2018, section 412.02, subdivision 2a, is amended to read:

Subd. 2a. **Vacancy.** Except as otherwise provided in subdivision 2b, a vacancy in an office shall be filled by council appointment until an election is held as provided in this subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor. The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election.

All of the provisions of the Minnesota Election Law are applicable to special elections as far as practicable.

Sec. 33. Laws 2017, First Special Session chapter 4, article 1, section 6, subdivision 5, is amended to read:

Subd. 5. Elections	10,580,000	3,909,000
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Of these amounts, \$7,000,000 the first year is for election equipment grants under Minnesota Statutes, section 206.95. This appropriation is available until June 30, ~~2020~~ 2021.

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

Amend the title numbers accordingly

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

Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred

S.F. No. 3842: A bill for an act relating to natural resources; modifying provisions related to certifiable fish diseases and list of species susceptible to viral hemorrhagic septicemia; modifying review and approval of local regulation in Mississippi River Corridor Critical Area; modifying requirements for exchanging wild rice leases; modifying reporting requirement on school trust lands; modifying provisions for certain invasive species permits; modifying state park provisions; providing for special-use permits; modifying muzzleloader provisions; providing for regulation of possessing, propagating, and selling snakes, lizards, and salamanders; modifying provisions for game and fish licenses after convictions; modifying hunting and fishing provisions; modifying date of Lake Superior Management Plan; amending Minnesota Statutes 2018, sections 17.4982, subdivisions 6, 8, 9, 12, by adding subdivisions; 17.4985, subdivisions 2, 3, 5; 17.4986, subdivisions 2, 4; 17.4991, subdivision 3; 17.4992, subdivision 2; 84D.11, subdivision 1a; 85.052, subdivisions 1, 2, 6, by adding a subdivision; 85.053, subdivision 2; 97A.015, subdivision 51; 97A.401, subdivision 1, by adding a subdivision; 97A.421, subdivision 1, by adding a subdivision; 97A.505, subdivision 3b; 97B.031, subdivision 1; 97B.036; 97C.005, subdivision 3; 97C.342, subdivision 2; 97C.515, subdivision 2; 97C.805, subdivision 2; 97C.836; 116G.07, by adding a subdivision; 116G.15, by adding a subdivision; Minnesota Statutes 2019 Supplement, sections 84.027, subdivision 18; 85.054, subdivision 1; 85.47; 97B.086; Laws 2016, chapter 154, section 16; repealing Minnesota Statutes 2018, sections 85.0505, subdivision 3; 85.0507; 85.054, subdivision 19.

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

Page 14, line 3, before "The" insert "(a)"

Page 14, after line 6, insert:

"(b) If the commissioner does not prescribe conditions to issue permits under section 97A.401 by March 31, 2021, authority to prescribe conditions under this section is repealed. Authority to prescribe conditions under this section is not continuing authority to amend or repeal the conditions. Notwithstanding section 14.125, any additional action on prescribed conditions after adoption must be under specific statutory authority to take the additional action."

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

Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred

S.F. No. 3905: A bill for an act relating to natural resources; allowing landowner requests for review of public water inventory errors; amending Minnesota Statutes 2018, section 103G.201.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 3296, 3273, 3385, 4159, 4158, 4193, 4073, 3275, 3013, 3758, 3801, 3915, 3490, 3630, 3746, 3494, 3842, and 3905 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Hawj, Bigham, Hoffman, Abeler, and Torres Ray introduced--

S.F. No. 4327: A bill for an act relating to economic development; appropriating money for competitive grants to minority business development assistance services.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

Senators Hawj, Bigham, and Isaacson introduced--

S.F. No. 4328: A bill for an act relating to capital investment; appropriating money for the Wakan Tipi Center in St. Paul; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Howe, Eichorn, Simonson, and Frentz introduced--

S.F. No. 4329: A bill for an act relating to transportation; establishing preference for purchase of electric vehicles for state fleet; providing rebates for electric vehicle purchases; awarding grants to automobile dealers to defray cost of manufacturer certification allowing electric vehicle sales; appropriating money; amending Minnesota Statutes 2018, sections 16C.135, subdivision 3; 16C.137, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216C.

Referred to the Committee on Transportation Finance and Policy.

Senators Torres Ray and Wiklund introduced--

S.F. No. 4330: A bill for an act relating to employment; modifying incumbency requirement for pregnancy and parenting leave; amending Minnesota Statutes 2018, section 181.940, subdivision 2.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

Senators Nelson, Wiger, Clausen, and Anderson, P. introduced--

S.F. No. 4331: A bill for an act relating to education; modifying postsecondary enrollment options; amending Minnesota Statutes 2018, section 124D.09, subdivisions 11, 12; Minnesota Statutes 2019 Supplement, section 124D.09, subdivision 9.

Referred to the Committee on E-12 Finance and Policy.

Senators Latz, Housley, Klein, and Anderson, P. introduced--

S.F. No. 4332: A bill for an act relating to public safety; expanding the reporting of crimes motivated by bias; amending the crime of property damage motivated by bias; requiring the Peace Officer Standards and Training Board to update training in recognizing, responding to, and reporting

crimes of bias; requiring law enforcement agencies to adopt standard policies regarding crimes motivated by bias; appropriating money; amending Minnesota Statutes 2018, sections 363A.06, subdivision 1; 609.595, subdivisions 1a, 2; 626.5531, subdivision 1; 626.8451, subdivision 1; 626.8469, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

Senators Housley, Hoffman, and Abeler introduced--

S.F. No. 4333: A bill for an act relating to health-related licensing boards; making changes to the fee schedule for the Board of Executives for Long Term Services and Supports; appropriating money; amending Minnesota Statutes 2019 Supplement, section 144A.291, subdivision 2.

Referred to the Committee on Family Care and Aging.

Senators Benson, Marty, Rosen, Klein, and Relph introduced--

S.F. No. 4334: A bill for an act relating to public health; transferring money for deposit in the public health response contingency account.

Referred to the Committee on Finance.

Senators Rosen and Tomassoni introduced--

S.F. No. 4335: A bill for an act relating to taxation; allowing municipal gas agencies to prepay for electricity; amending Minnesota Statutes 2018, section 453A.04, subdivision 21.

Referred to the Committee on Local Government.

Senator Johnson introduced--

S.F. No. 4336: A bill for an act relating to agriculture; modifying a 2019 appropriation; amending Laws 2019, First Special Session chapter 1, article 1, section 2, subdivision 4.

Referred to the Committee on Agriculture, Rural Development, and Housing Finance.

Senators Wiklund, Torres Ray, and Pratt introduced--

S.F. No. 4337: A bill for an act relating to child care; establishing a grant program for family, friend, and neighbor child care; appropriating money.

Referred to the Committee on Human Services Reform Finance and Policy.

Senators Klein, Hayden, and Clausen introduced--

S.F. No. 4338: A bill for an act relating to health; creating an exception to tobacco in public schools; amending Minnesota Statutes 2019 Supplement, section 144.4165.

Referred to the Committee on Health and Human Services Finance and Policy.

Senator Lang introduced--

S.F. No. 4339: A bill for an act relating to emergency medical services; appropriating money for ambulance service personnel training programs.

Referred to the Committee on Health and Human Services Finance and Policy.

Senator Jensen introduced--

S.F. No. 4340: A bill for an act relating to capital investment; appropriating money for local road improvements in Chaska; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Jensen introduced--

S.F. No. 4341: A bill for an act relating to liquor; authorizing a license for the Chaska Athletic Park.

Referred to the Committee on Commerce and Consumer Protection Finance and Policy.

Senators Limmer, Hall, Osmek, Franzen, and Eaton introduced--

S.F. No. 4342: A bill for an act relating to transportation; mass transit; requiring deployment of peace officers for each light rail transit train in operation; authorizing arrest for violations of public nuisance and crimes involving transit; amending Minnesota Statutes 2018, sections 473.407, by adding a subdivision; 609.855, by adding a subdivision.

Referred to the Committee on Transportation Finance and Policy.

Senators Dziedzic, Wiger, and Bigham introduced--

S.F. No. 4343: A bill for an act relating to environment; modifying penalties; requiring higher financial penalties for repeated violations; amending Minnesota Statutes 2018, sections 115.071, subdivision 3; 116.072, subdivisions 2, 5.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senator Osmek introduced--

S.F. No. 4344: A bill for an act relating to transportation; capital investment; appropriating money for a project on Trunk Highway 55; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Nelson introduced--

S.F. No. 4345: A bill for an act relating to education finance; increasing lease levy authority for school districts that are members of cooperative units; amending Minnesota Statutes 2018, section 126C.40, subdivision 1.

Referred to the Committee on E-12 Finance and Policy.

Senators Bigham, Simonson, and Osmek introduced--

S.F. No. 4346: A bill for an act relating to environment; establishing Legislative Commission on Waste Management; providing for appointments; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senator Osmek introduced--

S.F. No. 4347: A bill for an act relating to public safety; expanding the criminal vehicular operation crime; requiring driver education and driver's manual to cover distracted driving; amending Minnesota Statutes 2018, sections 171.0701, subdivision 1; 171.0705, by adding a subdivision; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

Senator Howe introduced--

S.F. No. 4348: A bill for an act relating to taxation; individual income tax; section 179 expensing; federal tax conformity; interest and penalties; amending Minnesota Statutes 2018, sections 290.0131, subdivision 10; 290.0133, subdivision 12.

Referred to the Committee on Taxes.

Senator Howe introduced--

S.F. No. 4349: A bill for an act relating to liquor; establishing the Minnesota Grape and Wine Council; establishing a grant program for promotion, education, and development of Minnesota wines; establishing sales and use tax nexus for certain direct shippers; depositing certain revenues; requiring direct shipper's license for certain shipments of wine to consumers; establishing reporting requirements for direct shippers; appropriating money; amending Minnesota Statutes 2018, sections 295.75, subdivisions 1, 2, 11; 297A.94; 340A.417; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Commerce and Consumer Protection Finance and Policy.

Senator Ruud introduced--

S.F. No. 4350: A bill for an act relating to tourism; expanding membership on the Explore Minnesota Tourism Council; amending Minnesota Statutes 2018, section 116U.25.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senators Ruud, Hoffman, Eichorn, Newton, and Pratt introduced--

S.F. No. 4351: A bill for an act relating to natural resources; appropriating money for land exchanges with United States Department of Agriculture Forest Service.

Referred to the Committee on Environment and Natural Resources Finance.

Senators Johnson, Pratt, Housley, Hall, and Dahms introduced--

S.F. No. 4352: A bill for an act relating to commerce; authorizing certain insurers to offer paid family leave insurance benefits; proposing coding for new law as Minnesota Statutes, chapter 63A.

Referred to the Committee on Commerce and Consumer Protection Finance and Policy.

Senators Hoffman and Jasinski introduced--

S.F. No. 4353: A bill for an act relating to occupational licensing; creating the Board of Sign Language Interpreters and Translitterators; requiring licensure; authorizing rulemaking; amending Minnesota Statutes 2018, section 546.44, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 156B.

Referred to the Committee on Health and Human Services Finance and Policy.

Senators Hoffman and Jasinski introduced--

S.F. No. 4354: A bill for an act relating to education; modifying licensure requirements for deaf and hard-of-hearing students and for oral/aural deaf education; requiring a report; amending Minnesota Statutes 2018, section 122A.28, subdivision 1.

Referred to the Committee on E-12 Finance and Policy.

Senator Dahms introduced--

S.F. No. 4355: A bill for an act relating to environment; modifying Petroleum Tank Release Cleanup Act; amending Minnesota Statutes 2018, section 115C.09, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senators Bakk and Tomassoni introduced--

S.F. No. 4356: A bill for an act relating to natural resources; providing for joint powers board in Koochiching, Lake, and St. Louis Counties to manage all-terrain vehicle trails; authorizing the board to levy tax.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senator Housley introduced--

S.F. No. 4357: A bill for an act relating to the State Building Code; exempting new buildings with pitched roofs from requiring dedicated anchorages for window cleaning; amending Minnesota Statutes 2018, section 326B.106, subdivision 4.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

Senator Senjem introduced--

S.F. No. 4358: A bill for an act relating to capital investment; appropriating money for a grant program for regional behavioral health crisis facilities in selected communities; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Senjem introduced--

S.F. No. 4359: A bill for an act relating to commerce; making technical changes to certain legislative reports; amending Minnesota Statutes 2018, sections 216C.054; 237.55.

Referred to the Committee on Energy and Utilities Finance and Policy.

Senator Isaacson introduced--

S.F. No. 4360: A bill for an act relating to agriculture; banning the sale, use, and application of chlorpyrifos; requiring certain product recall and collection efforts; transferring money; proposing coding for new law in Minnesota Statutes, chapter 18B.

Referred to the Committee on Agriculture, Rural Development, and Housing Policy.

Senators Howe, Ingebrigtsen, Weber, Lang, and Eichorn introduced--

S.F. No. 4361: A bill for an act relating to natural resources; requiring use of surveillance and early detection system to target efforts to combat aquatic invasive species; appropriating money for surveillance and early detection system; amending Minnesota Statutes 2018, section 477A.19, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 84D.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senators Anderson, P.; Champion; Pratt; Dibble; and Hayden introduced--

S.F. No. 4362: A bill for an act relating to human services; appropriating money to fund emergency and transitional housing, health services, and additional regional navigators for sexually exploited youth.

Referred to the Committee on Human Services Reform Finance and Policy.

Senators Anderson, P.; Champion; Pratt; Dibble; and Hayden introduced--

S.F. No. 4363: A bill for an act relating to human services; appropriating money for grants under the Homeless Youth Act.

Referred to the Committee on Human Services Reform Finance and Policy.

Senators Koran, Mathews, and Howe introduced--

S.F. No. 4364: A bill for an act relating to local government aid; requiring a reduction in local government aid when a city reduces city street lane miles; amending Minnesota Statutes 2018, section 477A.013, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Dziedzic and Bigham introduced--

S.F. No. 4365: A bill for an act relating to clean water; appropriating money from clean water fund.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senators Hawj, Torres Ray, Pappas, Eaton, and Franzen introduced--

S.F. No. 4366: A bill for an act relating to the revisor of statutes; changing terms in statute related to immigration.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

Senator Howe introduced--

S.F. No. 4367: A bill for an act relating to transportation; establishing a work zone safety pilot program; establishing a penalty; appropriating money.

Referred to the Committee on Transportation Finance and Policy.

Senator Jensen introduced--

S.F. No. 4368: A resolution memorializing Congress to propose an amendment to the United States Constitution to allow the reasonable regulation of political contributions and expenditures by corporations, unions, and individuals to protect the integrity of elections and the equal right of all Americans to effective representation.

Referred to the Committee on State Government Finance and Policy and Elections.

Senators Abeler, Housley, Relph, Hoffman, and Nelson introduced--

S.F. No. 4369: A bill for an act relating to education; requiring compensation for hourly employees for school days canceled due to COVID-19 during the 2019-2020 school year.

Referred to the Committee on E-12 Finance and Policy.

Senator Eken introduced--

S.F. No. 4370: A bill for an act relating to capital investment; appropriating money for Independent School District No. 2527, Norman County West, to demolish an unused school building in Halstad.

Referred to the Committee on E-12 Finance and Policy.

Senators Klein, Cwodzinski, Dibble, and Laine introduced--

S.F. No. 4371: A resolution memorializing Congress to overturn the United States Supreme Court decision *Citizens United v. FEC*; requesting that Congress clarify that the rights protected under the Constitution are the rights of natural persons and not the rights of artificial entities and that spending money to influence elections is not speech under the First Amendment; asking that Congress propose a constitutional amendment to provide such clarification.

Referred to the Committee on State Government Finance and Policy and Elections.

Senators Marty, Torres Ray, and Laine introduced--

S.F. No. 4372: A bill for an act relating to education; prohibiting the use of American Indian mascots and logos; amending Minnesota Statutes 2018, section 124E.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 123B; 135A.

Referred to the Committee on E-12 Finance and Policy.

Senators Marty and Dibble introduced--

S.F. No. 4373: A bill for an act relating to commerce; prohibiting use of disposable polystyrene food service containers; prohibiting provision of plastic beverage stirrers at state and local government facilities and functions; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce and Consumer Protection Finance and Policy.

Senators Carlson, Klein, Franzen, Frentz, and Dibble introduced--

S.F. No. 4374: A bill for an act relating to transportation; providing a grant program to encourage the purchase of electric buses; appropriating money.

Referred to the Committee on Transportation Finance and Policy.

Senators Carlson, Klein, Franzen, and Dibble introduced--

S.F. No. 4375: A bill for an act relating to transportation; authorizing a county to establish speed limits under certain circumstances; amending Minnesota Statutes 2019 Supplement, section 169.14, subdivision 5h.

Referred to the Committee on Transportation Finance and Policy.

Senator Dibble introduced--

S.F. No. 4376: A bill for an act relating to energy; providing energy efficiency grants to commercial buildings; appropriating money.

Referred to the Committee on Energy and Utilities Finance and Policy.

Senators Wiger and Dibble introduced--

S.F. No. 4377: A bill for an act relating to transportation; amending certain speed limits in school zones; amending Minnesota Statutes 2018, sections 169.011, by adding a subdivision; 169.14, subdivisions 2, 5a.

Referred to the Committee on Transportation Finance and Policy.

Senators Carlson, Dibble, Rarick, and Pappas introduced--

S.F. No. 4378: A bill for an act relating to transportation; providing for a penalty for violating requirements of motor carriers of railroad employees law; amending Minnesota Statutes 2018, section 221.0255, by adding a subdivision.

Referred to the Committee on Transportation Finance and Policy.

Senator Jasinski introduced--

S.F. No. 4379: A bill for an act relating to data practices; authorizing dissemination of certain data on driver's license and Minnesota identification card holders for replacement Social Security card applications; amending Minnesota Statutes 2018, section 171.12, subdivision 7b.

Referred to the Committee on Transportation Finance and Policy.

Senators Eichorn, Ingebrigtsen, Tomassoni, Bakk, and Housley introduced--

S.F. No. 4380: A bill for an act relating to natural resources; appropriating money for grants to school districts and American Indian-controlled tribal contract or grant schools to increase firearms safety, trap shooting, archery, hunting, and angling activities.

Referred to the Committee on Environment and Natural Resources Finance.

Senator Eichorn introduced--

S.F. No. 4381: A bill for an act relating to capital investment; modifying a prior appropriation to allow transfer of property; amending Laws 2008, chapter 179, section 18, subdivision 3, as amended.

Referred to the Committee on Capital Investment.

Senator Ruud introduced--

S.F. No. 4382: A bill for an act relating to natural resources; creating soil and water conservation fund; amending Minnesota Statutes 2018, section 16A.531, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources Finance.

Senators Koran and Osmek introduced--

S.F. No. 4383: A bill for an act relating to campaign finance; adding payments for security services to the list of allowable noncampaign disbursements; amending Minnesota Statutes 2018, section 10A.01, subdivision 26.

Referred to the Committee on State Government Finance and Policy and Elections.

Senators Mathews, Koran, and Hall introduced--

S.F. No. 4384: A bill for an act relating to veterans; expanding the definition of the term veteran; amending Minnesota Statutes 2018, section 197.447.

Referred to the Committee on Veterans and Military Affairs Finance and Policy.

Senators Anderson, P. and Rest introduced--

S.F. No. 4385: A bill for an act relating to taxation; sales and use; providing a refundable construction exemption for fire stations in the city of Plymouth; amending Minnesota Statutes 2019 Supplement, section 297A.71, subdivision 52.

Referred to the Committee on Taxes.

Senators Chamberlain, Pratt, Tomassoni, and Eichorn introduced--

S.F. No. 4386: A bill for an act relating to education finance; creating a grant program to support activities to close the literacy gap in Minnesota's public schools; requiring a report; appropriating money.

Referred to the Committee on E-12 Finance and Policy.

Senator Koran introduced--

S.F. No. 4387: A bill for an act relating to business organizations; governing fraudulent business filings; amending Minnesota Statutes 2018, sections 336.9-510; 336.9-516; proposing coding for new law in Minnesota Statutes, chapters 336; 609.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

Senators Benson and Hayden introduced--

S.F. No. 4388: A bill for an act relating to human services; requiring the commissioner of human services to redesign and reform the procurement process for Minnesota health care programs; amending Minnesota Statutes 2018, section 256B.69, subdivision 3a; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 2018, section 256B.692, subdivision 7.

Referred to the Committee on Health and Human Services Finance and Policy.

Senator Isaacson introduced--

S.F. No. 4389: A bill for an act relating to environment; establishing moratorium for certain large dairy operations.

Referred to the Committee on Agriculture, Rural Development, and Housing Policy.

Senator Cwodziński introduced--

S.F. No. 4390: A bill for an act relating to elections; requiring the secretary of state to amend rules to recognize a medical bill as a proof of residence on election day; authorizing rulemaking.

Referred to the Committee on State Government Finance and Policy and Elections.

Senator Cwodziński introduced--

S.F. No. 4391: A bill for an act relating to education; requiring a civics course as a graduation requirement; amending Minnesota Statutes 2018, section 120B.021, subdivision 1; Minnesota Statutes 2019 Supplement, section 120B.024, subdivision 1; repealing Minnesota Statutes 2018, section 120B.02, subdivision 3.

Referred to the Committee on E-12 Finance and Policy.

Senator Housley introduced--

S.F. No. 4392: A bill for an act relating to health; changing assisted living provisions; amending Minnesota Statutes 2019 Supplement, sections 144.6512, by adding a subdivision; 144A.474, subdivision 11; 144G.07, by adding a subdivision; 144G.08, subdivisions 7, 9, 23, by adding a subdivision; 144G.30, subdivision 2; 144G.31, subdivisions 4, 5; 144G.40, subdivision 1; 144G.41, subdivisions 7, 8; 144G.42, subdivisions 8, 9, 10, by adding a subdivision; 144G.43, subdivision 1; 144G.45, subdivisions 1, 2, 5; 144G.50, subdivisions 1, 2; 144G.52, subdivisions 1, 3, 5, 7; 144G.54, subdivisions 1, 2, 3, 4; 144G.55, subdivisions 1, 2, 3; 144G.57; 144G.64; 144G.70, subdivision 2; 144G.80, subdivision 3; 144G.82, subdivision 3; 144G.83, subdivision 2; 144G.90, subdivision 1; 144G.91, subdivisions 13, 21; 144G.92, subdivision 5; 144G.93; 144G.95, subdivision 1; 144G.9999, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144G.

Referred to the Committee on Family Care and Aging.

Senators Hayden, Pappas, and Champion introduced--

S.F. No. 4393: A bill for an act relating to capital investment; appropriating money for urban American Indian capital projects; authorizing the sale and issuance of state bonds.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

Senator Johnson introduced--

S.F. No. 4394: A bill for an act relating to taxation; property and local; establishing native prairie aid; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 477A.

Referred to the Committee on Taxes.

Senator Westrom introduced--

S.F. No. 4395: A bill for an act relating to agriculture; appropriating money for veterinary diagnostic laboratory equipment.

Referred to the Committee on Agriculture, Rural Development, and Housing Finance.

Senator Westrom introduced--

S.F. No. 4396: A bill for an act relating to agriculture; establishing a grain storage facility safety grant program; appropriating money for grain storage facility safety grants and curriculum development; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture, Rural Development, and Housing Policy.

Senator Westrom introduced--

S.F. No. 4397: A bill for an act relating to agriculture; appropriating money for grain storage facility safety.

Referred to the Committee on Agriculture, Rural Development, and Housing Finance.

Senator Draheim introduced--

S.F. No. 4398: A bill for an act relating to higher education; modifying certain teacher shortage programs; amending Minnesota Statutes 2018, sections 136A.1275, subdivision 1, by adding subdivisions; 136A.1791, subdivisions 1, 2, 3; Minnesota Statutes 2019 Supplement, section 136A.1275, subdivision 3.

Referred to the Committee on Higher Education Finance and Policy.

Senator Carlson introduced--

S.F. No. 4399: A bill for an act relating to retirement; state aids to local government; assigning fire state aid to the city of Eagan.

Referred to the Committee on State Government Finance and Policy and Elections.

Senator Carlson introduced--

S.F. No. 4400: A bill for an act relating to state government; establishing a political contribution voucher program; repealing the political contribution refund program; authorizing rulemaking; making conforming changes; appropriating money; amending Minnesota Statutes 2018, sections 10A.20, subdivision 3; 10A.34, subdivision 4; 289A.37, subdivision 2; 289A.50, subdivision 1; 290.01, subdivision 6; proposing coding for new law as Minnesota Statutes, chapter 10B; repealing Minnesota Statutes 2018, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 290.06, subdivision 23.

Referred to the Committee on State Government Finance and Policy and Elections.

Senator Nelson introduced--

S.F. No. 4401: A bill for an act relating to education; modifying school meal policy and aid provisions; appropriating money; amending Minnesota Statutes 2018, sections 124D.111; 126C.05, subdivision 16; Laws 2019, First Special Session chapter 11, article 7, section 1, subdivision 2.

Referred to the Committee on E-12 Finance and Policy.

Senator Nelson introduced--

S.F. No. 4402: A bill for an act relating to education; modifying postsecondary enrollment provisions; amending Minnesota Statutes 2018, section 124D.09, subdivisions 11, 12; Minnesota Statutes 2019 Supplement, section 124D.09, subdivision 9.

Referred to the Committee on E-12 Finance and Policy.

Senator Kiffmeyer introduced--

S.F. No. 4403: A bill for an act relating to state government; changing a provision for the Legislative Reference Library; amending Minnesota Statutes 2018, section 3.302, subdivision 3.

Referred to the Committee on State Government Finance and Policy and Elections.

Senator Kiffmeyer introduced--

S.F. No. 4404: A bill for an act relating to state government; changing a provision of the Legislative Coordinating Commission; amending Minnesota Statutes 2018, section 3.303, subdivision 1.

Referred to the Committee on State Government Finance and Policy and Elections.

Senators Pappas and Dziejcz introduced--

S.F. No. 4405: A bill for an act relating to taxation; sales and use; providing an exemption for certain construction materials for a St. Paul water treatment facility; amending Minnesota Statutes 2018, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Utke introduced--

S.F. No. 4406: A bill for an act relating to taxation; sales and use; exempting certain sales of electricity; amending Minnesota Statutes 2018, sections 297A.67, subdivision 15, by adding a subdivision; 297A.68, subdivisions 2, 3, 10, 30.

Referred to the Committee on Taxes.

Senator Koran introduced--

S.F. No. 4407: A bill for an act relating to capital investment; appropriating money to extend the Shorewood Park Sanitary Sewer District sewer system to Rush Lake and expand treatment facilities in Chisago County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Laine and Pappas introduced--

S.F. No. 4408: A bill for an act relating to state government; modifying enabling statute for ethnic councils; amending Minnesota Statutes 2018, section 15.0145, subdivisions 3, 5, 6.

Referred to the Committee on State Government Finance and Policy and Elections.

Senator Rarick introduced--

S.F. No. 4409: A bill for an act relating to energy; establishing the Energy Conservation and Optimization Act of 2020; amending Minnesota Statutes 2018, sections 216B.2401; 216B.241, subdivisions 1a, 1c, 1d, 1f, 2, 2b, 3, 5, 7, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B; repealing Minnesota Statutes 2018, section 216B.241, subdivisions 1, 2c, 4.

Referred to the Committee on Energy and Utilities Finance and Policy.

MOTIONS AND RESOLUTIONS

Senator Hawj moved that the name of Senator Klein be added as a co-author to S.F. No. 1360. The motion prevailed.

Senator Osmeck moved that the name of Senator Sparks be added as a co-author to S.F. No. 1690. The motion prevailed.

Senator Cwodzinski moved that the name of Senator Pappas be added as a co-author to S.F. No. 2604. The motion prevailed.

Senator Hayden moved that the name of Senator Hawj be added as a co-author to S.F. No. 2711. The motion prevailed.

Senator Latz moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Nelson be added as chief author to S.F. No. 2903. The motion prevailed.

Senator Nelson moved that the name of Senator Clausen be added as a co-author to S.F. No. 3034. The motion prevailed.

Senator Weber moved that the name of Senator Lang be added as a co-author to S.F. No. 3057. The motion prevailed.

Senator Kiffmeyer moved that the name of Senator Westrom be added as a co-author to S.F. No. 3275. The motion prevailed.

Senator Draheim moved that the name of Senator Klein be added as a co-author to S.F. No. 3400. The motion prevailed.

Senator Housley moved that the name of Senator Weber be added as a co-author to S.F. No. 3647. The motion prevailed.

Senator Abeler moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Bigham be added as chief author to S.F. No. 3674. The motion prevailed.

Senator Abeler moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Relph be added as chief author to S.F. No. 3785. The motion prevailed.

Senator Rarick moved that the names of Senators Westrom and Weber be added as co-authors to S.F. No. 3962. The motion prevailed.

Senator Draheim moved that the name of Senator Eken be added as a co-author to S.F. No. 4198. The motion prevailed.

Senator Eken moved that the name of Senator Anderson, P. be added as a co-author to S.F. No. 4241. The motion prevailed.

Senator Latz moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Abeler be shown as chief author to S.F. No. 4260. The motion prevailed.

Senator Koran moved that the name of Senator Mathews be added as a co-author to S.F. No. 4293. The motion prevailed.

Senator Wiklund moved that the name of Senator Rest be added as a co-author to S.F. No. 4298. The motion prevailed.

Senator Nelson moved that the name of Senator Sparks be added as a co-author to S.F. No. 4315. The motion prevailed.

Senator Koran moved that the names of Senators Dahms, Chamberlain, and Utke be added as co-authors to S.F. No. 4316. The motion prevailed.

Senator Isaacson moved that the name of Senator Eaton be added as a co-author to S.F. No. 4323. The motion prevailed.

Senator Relph moved that S.F. No. 1438 be withdrawn from the Committee on Human Services Reform Finance and Policy and re-referred to the Committee on Health and Human Services Finance and Policy. The motion prevailed.

Senator Frentz moved that S.F. No. 3878 be withdrawn from the Committee on Judiciary and Public Safety Finance and Policy and re-referred to the Committee on Finance. The motion prevailed.

RECESS

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3100:

H.F. No. 3100: A bill for an act relating to health care; establishing an emergency insulin program; establishing a Minnesota insulin patient assistance program; requiring participation by pharmacies and insulin manufacturers; requiring reports; appropriating money; amending Minnesota Statutes 2019 Supplement, sections 151.06, subdivision 6; 151.252, subdivision 1; 214.122; proposing coding for new law in Minnesota Statutes, chapters 16B; 62Q; 62V; 151.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Howard, Liebling, Morrison, Albright and Neu have been appointed as such committee on the part of the House.

House File No. 3100 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted March 16, 2020

Senator Jensen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3100, and that a Conference Committee of 5 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.

REPORTS OF COMMITTEES

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

Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred

S.F. No. 2043: A bill for an act relating to health occupations; permitting licensed physician assistant to practice without delegation agreement with physician; amending Minnesota Statutes 2018, sections 147A.01, subdivisions 3, 17, 21, 26, 27; 147A.02; 147A.03, subdivision 1, by adding a subdivision; 147A.05; 147A.06; 147A.13, subdivision 1; 147A.14, subdivision 4; 147A.16; 147A.23; 151.01, subdivision 23; 152.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 147A; repealing Minnesota Statutes 2018, sections 147A.01, subdivisions 11, 16a, 17a, 23, 24, 25; 147A.04; 147A.09; 147A.10; 147A.11; 147A.18, subdivisions 1, 2, 3; 147A.20.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 62A.307, subdivision 2, is amended to read:

Subd. 2. **Requirement.** Coverage described in subdivision 1 that covers prescription drugs must provide the same coverage for a prescription written by a health care provider authorized to prescribe the particular drug covered by the health coverage described in subdivision 1, regardless of the type of health care provider that wrote the prescription. This section is intended to prohibit denial of coverage based on the prescription having been written by an advanced practice nurse under section 148.235, a physician assistant under section ~~147A.18~~ 147A.185, or any other nonphysician health care provider authorized to prescribe the particular drug.

Sec. 2. Minnesota Statutes 2018, section 147A.01, subdivision 3, is amended to read:

Subd. 3. **Administer.** "Administer" means the delivery by a physician assistant ~~authorized to prescribe legend drugs, a single dose of a legend drug, including controlled substances,~~ to a patient

by injection, inhalation, ingestion, or by any other immediate means, ~~and the delivery by a physician assistant ordered by a physician a single dose of a legend drug by injection, inhalation, ingestion, or by any other immediate means.~~

Sec. 3. Minnesota Statutes 2018, section 147A.01, is amended by adding a subdivision to read:

Subd. 6a. **Collaborating physician.** "Collaborating physician" means a Minnesota licensed physician who oversees the performance, practice, and activities of a physician assistant under a collaborative agreement as described in section 147A.02, paragraph (c).

Sec. 4. Minnesota Statutes 2018, section 147A.01, subdivision 21, is amended to read:

Subd. 21. **Prescription.** "Prescription" means a signed written order, an oral order reduced to writing, or an electronic order meeting current and prevailing standards given by a physician assistant ~~authorized to prescribe drugs~~ for patients in the course of the physician assistant's practice, ~~and issued for an individual patient and containing the information required in the physician-physician assistant delegation agreement.~~

Sec. 5. Minnesota Statutes 2018, section 147A.01, subdivision 26, is amended to read:

Subd. 26. **Therapeutic order.** "Therapeutic order" means ~~an~~ a written or verbal order given to another for the purpose of treating or curing a patient in the course of a physician assistant's practice. ~~Therapeutic orders may be written or verbal, but do not include the prescribing of legend drugs or medical devices unless prescribing authority has been delegated within the physician-physician assistant delegation agreement.~~

Sec. 6. Minnesota Statutes 2018, section 147A.01, subdivision 27, is amended to read:

Subd. 27. **Verbal order.** "Verbal order" means an oral order given to another for the purpose of treating or curing a patient in the course of a physician assistant's practice. ~~Verbal orders do not include the prescribing of legend drugs unless prescribing authority has been delegated within the physician-physician assistant delegation agreement.~~

Sec. 7. Minnesota Statutes 2018, section 147A.02, is amended to read:

147A.02 QUALIFICATIONS FOR LICENSURE.

~~Except as otherwise provided in this chapter, an individual shall be licensed by the board before the individual may practice as a physician assistant.~~

(a) The board may grant a license as a physician assistant to an applicant who:

(1) submits an application on forms approved by the board;

(2) pays the appropriate fee as determined by the board;

(3) has current certification from the National Commission on Certification of Physician Assistants, or its successor agency as approved by the board;

(4) certifies that the applicant is mentally and physically able to engage safely in practice as a physician assistant;

(5) has no licensure, certification, or registration as a physician assistant under current discipline, revocation, suspension, or probation for cause resulting from the applicant's practice as a physician assistant, unless the board considers the condition and agrees to licensure;

(6) submits any other information the board deems necessary to evaluate the applicant's qualifications; and

(7) has been approved by the board.

(b) All persons registered as physician assistants as of June 30, 1995, are eligible for continuing license renewal. All persons applying for licensure after that date shall be licensed according to this chapter.

(c) A physician assistant who qualifies for licensure must practice for at least 2,080 hours, within the context of a collaborative agreement, within a hospital or integrated clinical setting where physician assistants and physicians work together to provide patient care. The physician assistant shall submit written evidence to the board with the application, or upon completion of the required collaborative practice experience. For purposes of this paragraph, a collaborative agreement is a mutually agreed upon plan for the overall working relationship and collaborative arrangement between a physician assistant, and one or more physicians licensed under chapter 147, that designates the scope of services that can be provided to manage the care of patients. The physician assistant and one of the collaborative physicians must have experience in providing care to patients with the same or similar medical conditions. The collaborating physician is not required to be physically present so long as the collaborating physician and physician assistant are or can be easily in contact with each other by radio, telephone, or other telecommunication device.

Sec. 8. Minnesota Statutes 2018, section 147A.03, is amended by adding a subdivision to read:

Subd. 1a. **Licensure required.** Except as provided under subdivision 2, it is unlawful for any person to practice as a physician assistant without being issued a valid license according to this chapter.

Sec. 9. Minnesota Statutes 2018, section 147A.05, is amended to read:

147A.05 INACTIVE LICENSE.

(a) Physician assistants who notify the board in writing may elect to place their license on an inactive status. Physician assistants with an inactive license shall be excused from payment of renewal fees and shall not practice as physician assistants. Persons who engage in practice while their license is lapsed or on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline under section 147A.13. Physician assistants who provide care under the provisions of section 147A.23 shall not be considered practicing without a license or subject to disciplinary action. Physician assistants who notify the board of their intent to resume active practice shall be required to pay the current renewal fees and all unpaid back fees and shall be required to meet the criteria for renewal specified in section 147A.07.

(b) Notwithstanding section 147A.03, subdivision 1, a person with an inactive license may continue to use the protected titles specified in section 147A.03, subdivision 1, so long as the person does not practice as a physician assistant.

Sec. 10. Minnesota Statutes 2019 Supplement, section 147A.06, is amended to read:

147A.06 CANCELLATION OF LICENSE FOR NONRENEWAL.

Subdivision 1. **Cancellation of license.** The board shall not renew, reissue, reinstate, or restore a license that has lapsed ~~on or after July 1, 1996~~, and has not been renewed within two annual renewal cycles ~~starting July 1, 1997~~. A licensee whose license is canceled for nonrenewal must obtain a new license by applying for licensure and fulfilling all requirements then in existence for an initial license to practice as a physician assistant.

Subd. 2. **Licensure following lapse of licensed status; transition.** (a) A licensee whose license has lapsed under subdivision 1 before January 1, 2020, and who seeks to regain licensed status after January 1, 2020, shall be treated as a first-time licensee only for purposes of establishing a license renewal schedule, and shall not be subject to the license cycle conversion provisions in section 147A.29.

(b) This subdivision expires July 1, 2022.

Sec. 11. Minnesota Statutes 2018, section 147A.09, is amended to read:

147A.09 SCOPE OF PRACTICE, ~~DELEGATION.~~

Subdivision 1. **Scope of practice.** Physician assistants shall practice medicine only ~~with physician supervision. Physician assistants may perform those duties and responsibilities as delegated in the physician-physician assistant delegation agreement and delegation forms maintained at the address of record by the supervising physician and physician assistant, including the prescribing, administering, and dispensing of drugs, controlled substances, and medical devices, excluding anesthetics, other than local anesthetics, injected in connection with an operating room procedure, inhaled anesthesia and spinal anesthesia~~ under an established practice agreement.

~~Patient service must be limited to~~ A physician assistant's scope of practice includes:

- (1) services within the training and experience of the physician assistant;
- (2) patient services customary to the practice of the supervising physician or alternate supervising physician-physician assistant and the practice agreement; and
- (3) ~~services delegated by the supervising physician or alternate supervising physician under the physician-physician assistant delegation agreement; and~~
- (4) services within the parameters of the laws, rules, and standards of the facilities in which the physician assistant practices.

~~Nothing in this chapter authorizes physician assistants to perform duties regulated by the boards listed in section 214.01, subdivision 2, other than the Board of Medical Practice, and except as provided in this section.~~

Subd. 2. **Delegation Patient services.** Patient services may include, but are not limited to, the following, ~~as delegated by the supervising physician and authorized in the delegation agreement:~~

- (1) taking patient histories and developing medical status reports;
- (2) performing physical examinations;
- (3) interpreting and evaluating patient data;
- (4) ordering or, performing, or reviewing diagnostic procedures, including the use of radiographic imaging systems in compliance with Minnesota Rules 2007, chapter 4732, but excluding interpreting computed tomography scans, magnetic resonance imaging scans, positron emission tomography scans, nuclear scans, and mammography;
- (5) ordering or performing therapeutic procedures including the use of ionizing radiation in compliance with Minnesota Rules 2007, chapter 4732;
- (6) providing instructions regarding patient care, disease prevention, and health promotion;
- (7) ~~assisting the supervising physician in~~ providing patient care in the home and in health care facilities;
- (8) creating and maintaining appropriate patient records;
- (9) transmitting or executing specific orders ~~at the direction of the supervising physician;~~
- (10) ~~prescribing, administering, and dispensing drugs, controlled substances, and medical devices if this function has been delegated by the supervising physician pursuant to and subject to the limitations of section 147A.18 and chapter 151. For physician assistants who have been delegated the authority to prescribe controlled substances, such delegation shall be included in the physician-physician assistant delegation agreement, and all schedules of controlled substances the physician assistant has the authority to prescribe shall be specified, and includes administering local anesthetics, but excluding anesthetics injected in connection with an operating room procedure, inhaled anesthesia, and spinal anesthesia;~~
- (11) ~~for physician assistants not delegated prescribing authority, administering legend drugs and medical devices following prospective review for each patient by and upon direction of the supervising physician;~~
- (12) functioning as an emergency medical technician with permission of the ambulance service and in compliance with section 144E.127, and ambulance service rules adopted by the commissioner of health;
- (13) (12) initiating evaluation and treatment procedures essential to providing an appropriate response to emergency situations;
- (14) (13) certifying a patient's eligibility for a disability parking certificate under section 169.345, subdivision 2;
- (15) (14) assisting at surgery; and

~~(16)~~ (15) providing medical authorization for admission for emergency care and treatment of a patient under section 253B.05, subdivision 2.

~~Orders of physician assistants shall be considered the orders of their supervising physicians in all practice-related activities, including, but not limited to, the ordering of diagnostic, therapeutic, and other medical services.~~

Subd. 3. **Practice agreement review.** A physician assistant shall have a practice agreement at the practice level that describes the practice of the physician assistant. The practice agreement must be reviewed on an annual basis by a licensed physician within the same clinic, hospital, health system, or other facility as the physician assistant and has knowledge of the physician assistant's practice to ensure that the physician assistant's medical practice is consistent with the practice agreement. A document stating that the review occurred must be maintained at the practice level and made available to the board, upon request.

Subd. 4. **Scope of practice limitations; spinal injections for acute and chronic pain.** Notwithstanding subdivision 1, a physician assistant may only perform spinal injections to address acute and chronic pain symptoms upon referral and in collaboration with a physician licensed under chapter 147. For purposes of performing spinal injections for acute or chronic pain symptoms, the physician assistant and one or more physicians licensed under chapter 147 must have a mutually agreed upon plan that designates the scope of collaboration necessary for treating patients with acute and chronic pain.

Sec. 12. Minnesota Statutes 2018, section 147A.13, subdivision 1, is amended to read:

Subdivision 1. **Grounds listed.** The board may refuse to grant licensure or may impose disciplinary action as described in this subdivision against any physician assistant. The following conduct is prohibited and is grounds for disciplinary action:

(1) failure to demonstrate the qualifications or satisfy the requirements for licensure contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such requirements;

(2) obtaining a license by fraud or cheating, or attempting to subvert the examination process. Conduct which subverts or attempts to subvert the examination process includes, but is not limited to:

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

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

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

(3) conviction, during the previous five years, of a felony reasonably related to the practice of physician assistant. Conviction as used in this subdivision includes a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered;

(4) revocation, suspension, restriction, limitation, or other disciplinary action against the person's physician assistant credentials in another state or jurisdiction, failure to report to the board that charges regarding the person's credentials have been brought in another state or jurisdiction, or having been refused licensure by any other state or jurisdiction;

(5) advertising which is false or misleading, violates any rule of the board, or claims without substantiation the positive cure of any disease or professional superiority to or greater skill than that possessed by another physician assistant;

(6) violating a rule adopted by the board or an order of the board, a state, or federal law which relates to the practice of a physician assistant, or in part regulates the practice of a physician assistant, including without limitation sections 604.201, 609.344, and 609.345, or a state or federal narcotics or controlled substance law;

(7) engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient; or practice which is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established;

~~(8) failure to adhere to the provisions of the physician-physician assistant delegation agreement;~~

~~(9)~~ (8) engaging in the practice of medicine beyond that what is allowed by the physician-physician assistant delegation agreement under this chapter, or aiding or abetting an unlicensed person in the practice of medicine;

~~(10)~~ (9) adjudication as mentally incompetent, mentally ill or developmentally disabled, or as a chemically dependent person, a person dangerous to the public, a sexually dangerous person, or a person who has a sexual psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for its duration unless the board orders otherwise;

~~(11)~~ (10) engaging in unprofessional conduct. Unprofessional conduct includes any departure from or the failure to conform to the minimal standards of acceptable and prevailing practice in which proceeding actual injury to a patient need not be established;

~~(12)~~ (11) inability to practice with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills;

~~(13)~~ (12) revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law;

(14) (13) any identification of a physician assistant by the title "Physician," "Doctor," or "Dr." in a patient care setting or in a communication directed to the general public;

(15) (14) improper management of medical records, including failure to maintain adequate medical records, to comply with a patient's request made pursuant to sections 144.291 to 144.298, or to furnish a medical record or report required by law;

(16) (15) engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws;

(17) (16) becoming addicted or habituated to a drug or intoxicant;

(18) (17) prescribing a drug or device for other than medically accepted therapeutic, experimental, or investigative purposes authorized by a state or federal agency or referring a patient to any health care provider as defined in sections 144.291 to 144.298 for services or tests not medically indicated at the time of referral;

(19) (18) engaging in conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior which is seductive or sexually demeaning to a patient;

(20) (19) failure to make reports as required by section 147A.14 or to cooperate with an investigation of the board as required by section 147A.15, subdivision 3;

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

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

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

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

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

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

~~(23) failure to maintain annually reviewed and updated physician-physician assistant delegation agreements for each physician-physician assistant practice relationship, or failure to provide copies of such documents upon request by the board~~ (22) failure to maintain the proof of review document as required under section 147A.09, subdivision 3, or to provide a copy of the document upon request of the board.

Sec. 13. Minnesota Statutes 2018, section 147A.14, subdivision 4, is amended to read:

Subd. 4. **Licensed professionals.** Licensed health professionals and persons holding residency permits under section 147.0391, shall report to the board personal knowledge of any conduct which the person reasonably believes constitutes grounds for disciplinary action under this chapter by a physician assistant, including any conduct indicating that the person may be incompetent, or may have engaged in unprofessional conduct or may be medically or physically unable to engage safely in practice as a physician assistant. No report shall be required if the information was obtained in the course of a ~~physician-patient~~ provider-patient relationship if the patient is a physician assistant, and the treating ~~physician~~ provider successfully counsels the person to limit or withdraw from practice to the extent required by the impairment.

Sec. 14. Minnesota Statutes 2018, section 147A.16, is amended to read:

147A.16 FORMS OF DISCIPLINARY ACTION.

When the board finds that a licensed physician assistant has violated a provision of this chapter, it may do one or more of the following:

(1) revoke the license;

(2) suspend the license;

(3) impose limitations or conditions on the physician assistant's practice, including limiting the scope of practice to designated field specialties; ~~impose~~ imposing retraining or rehabilitation requirements; ~~require practice under additional supervision;~~ or ~~condition continued limiting practice on~~ until demonstration of knowledge or skills by appropriate examination or other review of skill and competence;

(4) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the physician assistant of any economic advantage gained by reason of the violation charged or to reimburse the board for the cost of the investigation and proceeding; or

~~(5) order the physician assistant to provide unremunerated professional service under supervision at a designated public hospital, clinic, or other health care institution; or~~

~~(6)~~ (5) censure or reprimand the licensed physician assistant.

Upon judicial review of any board disciplinary action taken under this chapter, the reviewing court shall seal the administrative record, except for the board's final decision, and shall not make the administrative record available to the public.

Sec. 15. **[147A.185] PRESCRIBING DRUGS AND THERAPEUTIC DEVICES.**

Subd. 1. **Diagnosis, prescribing, and ordering.** A physician assistant is authorized to:

(1) diagnose, prescribe, and institute therapy or referrals of patients to health care agencies and providers;

(2) prescribe, procure, sign for, record, administer, and dispense over-the-counter drugs, legend drugs, and controlled substances, including sample drugs; and

(3) plan and initiate a therapeutic regimen that includes ordering and prescribing durable medical devices and equipment, nutrition, diagnostic services, and supportive services including but not limited to home health care, hospice, physical therapy, and occupational therapy.

Subd. 2. **Drug Enforcement Administration requirements.** (a) A physician assistant must:

(1) comply with federal Drug Enforcement Administration (DEA) requirements related to controlled substances; and

(2) file any and all of the physician assistant's DEA registrations and numbers with the board.

(b) The board shall maintain current records of all physician assistants with DEA registration and numbers.

Subd. 3. **Other requirements and restrictions.** (a) Each prescription initiated by a physician assistant shall indicate the following:

(1) the date of issue;

(2) the name and address of the patient;

(3) the name and quantity of the drug prescribed;

(4) directions for use; and

(5) the name and address of the prescribing physician assistant.

(b) In prescribing, dispensing, and administering legend drugs, controlled substances, and medical devices, a physician assistant must comply with this chapter and chapters 151 and 152.

Sec. 16. Minnesota Statutes 2018, section 147A.23, is amended to read:

147A.23 RESPONDING TO DISASTER SITUATIONS.

~~(a) A physician assistant duly licensed or credentialed in a United States jurisdiction or by a federal employer who is responding to a need for medical care created by an emergency according to section 604A.01, or a state or local disaster may render such care as the physician assistant is trained to provide, under the physician assistant's license or credential, without the need of a physician-physician assistant delegation agreement or a notice of intent to practice as required under section 147A.20. A physician assistant may provide emergency care without physician supervision or under the supervision that is available.~~

~~(b) The physician who provides supervision to a physician assistant while the physician assistant is rendering care in accordance with this section may do so without meeting the requirements of section 147A.20.~~

~~(c) The supervising physician who otherwise provides supervision to a physician assistant under a physician-physician assistant delegation agreement described in section 147A.20 shall not be held medically responsible for the care rendered by a physician assistant pursuant to paragraph (a).~~

~~Services provided by a physician assistant under paragraph (a) shall be considered outside the scope of the relationship between the supervising physician and the physician assistant.~~

Sec. 17. Minnesota Statutes 2019 Supplement, section 151.01, subdivision 23, is amended to read:

Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine, licensed doctor of osteopathic medicine duly licensed to practice medicine, licensed doctor of dentistry, licensed doctor of optometry, licensed podiatrist, licensed veterinarian, ~~or~~ licensed advanced practice registered nurse. ~~For purposes of sections 151.15, subdivision 4; 151.211, subdivision 3; 151.252, subdivision 3; 151.37, subdivision 2, paragraphs (b), (c), and (f); and 151.461, "practitioner" also means a, or licensed~~ physician assistant ~~authorized to prescribe, dispense, and administer under chapter 147A.~~ For purposes of sections 151.15, subdivision 4; 151.211, subdivision 3; 151.252, subdivision 3; 151.37, subdivision 2, paragraph (b); and 151.461, "practitioner" also means a dental therapist authorized to dispense and administer under chapter 150A.

Sec. 18. Minnesota Statutes 2018, section 152.12, subdivision 1, is amended to read:

Subdivision 1. **Prescribing, dispensing, administering controlled substances in Schedules II through V.** A licensed doctor of medicine, a doctor of osteopathic medicine, duly licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a licensed doctor of podiatry, a licensed advanced practice registered nurse, a licensed physician assistant, or a licensed doctor of optometry limited to Schedules IV and V, and in the course of professional practice only, may prescribe, administer, and dispense a controlled substance included in Schedules II through V of section 152.02, may cause the same to be administered by a nurse, an intern or an assistant under the direction and supervision of the doctor, and may cause a person who is an appropriately certified and licensed health care professional to prescribe and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes.

Sec. 19. **REPEALER.**

Minnesota Statutes 2018, sections 147A.01, subdivisions 4, 11, 16a, 17a, 24, and 25; 147A.04; 147A.10; 147A.11; 147A.18, subdivisions 1, 2, and 3; and 147A.20, are repealed.

EFFECTIVE DATE. This section is effective July 1, 2020."

Amend the title numbers accordingly

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

Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred

S.F. No. 2919: A bill for an act relating to health; modifying the Minnesota Athletic Trainers Act; amending Minnesota Statutes 2018, sections 148.7802, by adding a subdivision; 148.7806; 148.7807; repealing Minnesota Statutes 2018, section 148.7802, subdivisions 4, 5.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 148.7802, is amended by adding a subdivision to read:

Subd. 6a. **Athletic training.** (a) "Athletic training" means, for the purpose of emergent, acute, and chronic injuries and nonorthopedic conditions within the scope of the athletic trainer's education:

- (1) prevention and wellness promotion;
- (2) risk management;
- (3) immediate and emergency care;
- (4) examination, assessment, and athletic training diagnosis; and
- (5) therapeutic intervention, rehabilitation, and reconditioning.

(b) Athletic training also includes making clinical decisions to determine if a consultation or referral are necessary; health care administration; and maintaining professional responsibility. An athletic trainer shall not practice or claim to practice as a physician; chiropractor; podiatrist; occupational therapist; physical therapist; or any other licensed or registered health care professional, unless the athletic trainer also holds the appropriate license or registration for that profession.

(c) Nothing in this subdivision restricts an athletic trainer's ability to provide physical therapy under the supervision of a licensed physical therapist in a clinical or corporate setting, pursuant to section 148.7806, paragraph (f).

Sec. 2. Minnesota Statutes 2018, section 148.7806, is amended to read:

148.7806 ATHLETIC TRAINING.

~~Athletic training by a licensed athletic trainer under section 148.7808 includes the activities described in paragraphs (a) to (c):~~

- ~~(a) An athletic trainer shall:~~
 - ~~(1) prevent, recognize, and evaluate athletic injuries;~~
 - ~~(2) give emergency care and first aid;~~
 - ~~(3) manage and treat athletic injuries; and~~

(4) rehabilitate and physically recondition athletic injuries. perform athletic training under the direction of, on the prescription of, or in collaboration with a primary physician who is licensed in the state to practice medicine as defined in section 147.081, and whose license is in good standing.

~~The (b) An athletic trainer may use modalities such as cold, heat, light, sound, electricity, exercise, and mechanical devices, and other proven noninvasive interventions for treatment and rehabilitation of athletic injuries to athletes in the primary employment site a patient.~~

~~(b)~~ (c) The primary physician shall establish evaluation and treatment protocols to be used by the athletic trainer. The primary physician shall record the protocols on a form prescribed by the board. The protocol form must be updated yearly at the athletic trainer's license renewal time and kept on file by the athletic trainer.

~~(e) At the primary employment site, except in a corporate setting,~~ (d) An athletic trainer may evaluate and treat ~~an athlete for an athletic injury~~ a patient not previously diagnosed for not more than 30 days, ~~or a period of time as designated by the primary physician on the protocol form,~~ from the date of the initial evaluation and treatment. ~~Preventative care after resolution of the injury is~~ Prevention, wellness, education, exercise, and reconditioning are not considered treatment. This paragraph does not apply to a person who is referred for treatment by a person licensed in this state to practice medicine as defined in section 147.081, to practice chiropractic as defined in section 148.01, to practice podiatry as defined in section 153.01, or to practice dentistry as defined in section 150A.05 and whose license is in good standing.

~~(d)~~ (e) An athletic trainer may:

(1) organize and administer an athletic training program including, but not limited to, educating and counseling ~~athletes~~ patients;

(2) monitor the signs, symptoms, general behavior, and general physical response of ~~an athlete~~ a patient to treatment and rehabilitation including, but not limited to, whether the signs, symptoms, reactions, behavior, or general response show abnormal characteristics requiring a change in the plan of care or referral; and

(3) make suggestions to the primary physician or other treating provider for a modification in the treatment and rehabilitation of ~~an injured athlete~~ a patient based on the indicators in clause (2).

~~(e)~~ (f) In a clinical, corporate, and physical therapy setting, when the service provided is, or is represented as being, physical therapy, an athletic trainer may work only under the direct supervision of a physical therapist as defined in section 148.65.

Sec. 3. Minnesota Statutes 2018, section 148.7807, is amended to read:

148.7807 LIMITATIONS ON PRACTICE.

If an athletic trainer determines that a patient's medical condition is ~~beyond~~ outside the scope of practice of that athletic trainer, the athletic trainer must refer the patient to a person licensed in this state to practice medicine as defined in section 147.081, to practice chiropractic as defined in section 148.01, to practice podiatry as defined in section 153.01, or to practice dentistry as defined in section 150A.05 and whose license is in good standing and in accordance with established evaluation and treatment protocols. An athletic trainer shall modify or terminate treatment of a patient that is not beneficial to the patient, or that is not tolerated by the patient.

Sec. 4. REVISOR INSTRUCTION.

The revisor of statutes shall change the terms "athlete" or "individual" to "patient" wherever it appears in Minnesota Statutes, sections 148.7801 to 148.7815, and may make any necessary changes to grammar or sentence structure to preserve the meaning of the text.

Sec. 5. **REPEALER.**

Minnesota Statutes 2018, section 148.7802, subdivisions 4 and 5, are repealed.

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

Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred

S.F. No. 3279: A bill for an act relating to health; establishing licensing requirements for behavior analysts and assistant behavior analysts; providing criminal penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 148.

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

Page 3, delete subdivision 3 and insert:

"Subd. 3. **Background investigation.** The board shall conduct a background investigation on applicants in accordance with section 214.075."

Page 11, line 3, delete "\$....." and insert "\$225"

Page 11, line 4, delete "\$....." and insert "\$225"

Page 11, line 5, delete "\$....." and insert "\$125"

Page 11, line 6, delete "\$....." and insert "\$100" and after the semicolon, insert "and"

Page 11, line 7, delete "\$.....; and" and insert "\$100."

Page 11, delete line 8

Page 11, line 24, delete "\$....." and insert "\$58,000" and delete "2020" and insert "2021"

Page 11, line 25, after the period, insert "The base for this appropriation is \$37,000 in fiscal year 2022 and \$37,000 in fiscal year 2023."

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

Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred

S.F. No. 4217: A bill for an act relating to health; expanding midwifery scope of practice; amending Minnesota Statutes 2018, section 147D.03, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 147D.03, subdivision 2, is amended to read:

Subd. 2. **Scope of practice.** The practice of traditional midwifery includes; but is not limited to:

(1) initial and ongoing assessment for suitability of traditional midwifery care;

(2) providing prenatal education and coordinating with a licensed health care provider as necessary to provide comprehensive prenatal care, including the routine monitoring of vital signs, indicators of fetal developments, and ordering standard prenatal laboratory tests and imaging, as needed, with attention to the physical, nutritional, and emotional needs of the woman and her family;

(3) attending and supporting the natural process of labor and birth;

(4) postpartum care of the mother and an initial assessment of the newborn; ~~and~~

(5) providing information and referrals to community resources on childbirth preparation, breastfeeding, exercise, nutrition, parenting, and care of the newborn; and

(6) ordering ultrasounds, providing point-of-care testing, and ordering laboratory tests that conform to the standard prenatal protocol of the licensed traditional midwife's standard of care."

Delete the title and insert:

"A bill for an act relating to health; clarifying midwifery scope of practice; amending Minnesota Statutes 2018, section 147D.03, subdivision 2."

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

Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred

S.F. No. 3113: A bill for an act relating to health occupations; modifying grounds for disciplinary action and prohibited conduct for physical therapists; amending Minnesota Statutes 2018, sections 148.75; 148.76, subdivision 2.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2018, section 148.65, subdivision 1, is amended to read:

Subdivision 1. **Physical therapy.** As used in sections 148.65 to 148.78 the term "physical therapy" means the evaluation or treatment or both of any person by the employment of physical measures and the use of therapeutic exercises and rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting, or alleviating a physical or mental disability. Physical measures shall include but shall not be limited to heat or cold, air, light, water, electricity and sound. Physical therapy includes evaluation other than medical diagnosis, treatment planning, treatment, documentation, performance of appropriate tests and measurement, interpretation of orders or referrals, instruction, consultative services, and supervision of supportive personnel. Physical therapy also includes the promotion and maintenance of fitness, health, and wellness in

populations of all ages. "Physical therapy" does not include the practice of medicine as defined in section 147.081, or the practice of chiropractic as defined in section 148.01."

Page 2, line 21, after "~~(9)~~" insert "(8)" and reinstate the stricken "for a physical therapist licensed less than one year, has treated human ailments,"

Page 2, lines 22 to 24, reinstate the stricken language

Page 2, line 25, delete "(8)" and insert "(9)"

Page 2, line 29, delete "(9)" and insert "(10)"

Page 2, line 32, delete "(10)" and insert "(11)" and strike the comma and insert "under"

Page 2, line 33, strike "or"

Page 2, line 34, before the semicolon, insert ", the practice of podiatric medicine as defined in section 153.01, or the practice of acupuncture as defined in section 147B.01"

Page 3, line 1, delete "(11)" and insert "(12)"

Page 3, line 4, delete "(12)" and insert "(13)"

Page 3, line 7, delete "(13)" and insert "(14)"

Page 3, line 8, delete "(12)" and insert "(13)"

Page 3, line 11, delete "(14)" and insert "(15)"

Page 3, line 14, delete "(15)" and insert "(16)"

Page 3, line 15, delete "(16)" and insert "(17)"

Page 3, line 17, delete "(17)" and insert "(18)"

Page 3, line 22, delete "(18)" and insert "(19)"

Page 3, line 24, delete "(19)" and insert "(20)"

Page 4, line 27, reinstate the stricken language

Page 5, lines 11 to 14, reinstate the stricken language

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred

S.F. No. 3556: A bill for an act relating to health occupations; allowing pharmacists to administer drugs through intramuscular and subcutaneous administration; amending Minnesota Statutes 2019 Supplement, section 151.01, subdivision 27.

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

Page 1, line 22, after "research" insert ", except that vaccines must be administered pursuant to clause (6)"

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

Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred

S.F. No. 1960: A bill for an act relating to health; authorizing pharmacists to prescribe self-administered hormonal contraceptives, tobacco and nicotine cessation medications and products, opiate antagonists, and travel medications; amending Minnesota Statutes 2018, sections 151.01, subdivisions 23, 27, by adding a subdivision; 256B.0625, subdivision 13h; proposing coding for new law in Minnesota Statutes, chapter 151.

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

Delete everything after the enacting clause and insert:

"Section 1. [62Q.529] COVERAGE FOR DRUGS PRESCRIBED AND DISPENSED BY PHARMACIES.

(a) A health plan that provides prescription coverage must provide coverage for self-administered hormonal contraceptives, nicotine replacement medications, and opiate antagonists for the treatment of an acute opiate overdose prescribed and dispensed by a licensed pharmacist in accordance with section 151.37, subdivision 14, 15, or 16, under the same terms of coverage that would apply had the prescription drug been prescribed by a licensed physician, physician assistant, or advanced practice nurse practitioner.

(b) A health plan is not required to cover the drug if dispensed by an out-of-network pharmacy, unless the health plan covers prescription drugs dispensed by out-of-network pharmacies.

Sec. 2. Minnesota Statutes 2019 Supplement, section 151.01, subdivision 23, is amended to read:

Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine, licensed doctor of osteopathic medicine duly licensed to practice medicine, licensed doctor of dentistry, licensed doctor of optometry, licensed podiatrist, licensed veterinarian, or licensed advanced practice registered nurse. For purposes of sections 151.15, subdivision 4; 151.211, subdivision 3; 151.252, subdivision 3; 151.37, subdivision 2, paragraphs (b), (e), and (f); and 151.461, "practitioner" also means a physician assistant authorized to prescribe, dispense, and administer under chapter 147A. For

purposes of sections 151.15, subdivision 4; 151.211, subdivision 3; 151.252, subdivision 3; 151.37, subdivision 2, paragraph (b); and 151.461, "practitioner" also means a dental therapist authorized to dispense and administer under chapter 150A. For purposes of sections 151.252, subdivision 3, and 151.461, "practitioner" also means a pharmacist authorized to prescribe self-administered hormonal contraceptives, nicotine replacement medications, or opiate antagonists under section 151.37, subdivision 14, 15, or 16.

Sec. 3. Minnesota Statutes 2019 Supplement, section 151.01, subdivision 27, is amended to read:

Subd. 27. **Practice of pharmacy.** "Practice of pharmacy" means:

- (1) interpretation and evaluation of prescription drug orders;
- (2) compounding, labeling, and dispensing drugs and devices (except labeling by a manufacturer or packager of nonprescription drugs or commercially packaged legend drugs and devices);
- (3) participation in clinical interpretations and monitoring of drug therapy for assurance of safe and effective use of drugs, including the performance of laboratory tests that are waived under the federal Clinical Laboratory Improvement Act of 1988, United States Code, title 42, section 263a et seq., provided that a pharmacist may interpret the results of laboratory tests but may modify drug therapy only pursuant to a protocol or collaborative practice agreement;
- (4) participation in drug and therapeutic device selection; drug administration for first dosage and medical emergencies; intramuscular and subcutaneous administration used for the treatment of alcohol or opioid dependence; drug regimen reviews; and drug or drug-related research;
- (5) drug administration, through intramuscular and subcutaneous administration used to treat mental illnesses as permitted under the following conditions:
 - (i) upon the order of a prescriber and the prescriber is notified after administration is complete;or
 - (ii) pursuant to a protocol or collaborative practice agreement as defined by section 151.01, subdivisions 27b and 27c, and participation in the initiation, management, modification, administration, and discontinuation of drug therapy is according to the protocol or collaborative practice agreement between the pharmacist and a dentist, optometrist, physician, podiatrist, or veterinarian, or an advanced practice registered nurse authorized to prescribe, dispense, and administer under section 148.235. Any changes in drug therapy or medication administration made pursuant to a protocol or collaborative practice agreement must be documented by the pharmacist in the patient's medical record or reported by the pharmacist to a practitioner responsible for the patient's care;
- (6) participation in administration of influenza vaccines to all eligible individuals six years of age and older and all other vaccines to patients 13 years of age and older by written protocol with a physician licensed under chapter 147, a physician assistant authorized to prescribe drugs under chapter 147A, or an advanced practice registered nurse authorized to prescribe drugs under section 148.235, provided that:

- (i) the protocol includes, at a minimum:
 - (A) the name, dose, and route of each vaccine that may be given;
 - (B) the patient population for whom the vaccine may be given;
 - (C) contraindications and precautions to the vaccine;
 - (D) the procedure for handling an adverse reaction;
 - (E) the name, signature, and address of the physician, physician assistant, or advanced practice registered nurse;
 - (F) a telephone number at which the physician, physician assistant, or advanced practice registered nurse can be contacted; and
 - (G) the date and time period for which the protocol is valid;
 - (ii) the pharmacist has successfully completed a program approved by the Accreditation Council for Pharmacy Education specifically for the administration of immunizations or a program approved by the board;
 - (iii) the pharmacist utilizes the Minnesota Immunization Information Connection to assess the immunization status of individuals prior to the administration of vaccines, except when administering influenza vaccines to individuals age nine and older;
 - (iv) the pharmacist reports the administration of the immunization to the Minnesota Immunization Information Connection; and
 - (v) the pharmacist complies with guidelines for vaccines and immunizations established by the federal Advisory Committee on Immunization Practices, except that a pharmacist does not need to comply with those portions of the guidelines that establish immunization schedules when administering a vaccine pursuant to a valid, patient-specific order issued by a physician licensed under chapter 147, a physician assistant authorized to prescribe drugs under chapter 147A, or an advanced practice registered nurse authorized to prescribe drugs under section 148.235, provided that the order is consistent with the United States Food and Drug Administration approved labeling of the vaccine;
- (7) participation in the initiation, management, modification, and discontinuation of drug therapy according to a written protocol or collaborative practice agreement between: (i) one or more pharmacists and one or more dentists, optometrists, physicians, podiatrists, or veterinarians; or (ii) one or more pharmacists and one or more physician assistants authorized to prescribe, dispense, and administer under chapter 147A, or advanced practice registered nurses authorized to prescribe, dispense, and administer under section 148.235. Any changes in drug therapy made pursuant to a protocol or collaborative practice agreement must be documented by the pharmacist in the patient's medical record or reported by the pharmacist to a practitioner responsible for the patient's care;
- (8) participation in the storage of drugs and the maintenance of records;
 - (9) patient counseling on therapeutic values, content, hazards, and uses of drugs and devices;

(10) offering or performing those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of a pharmacy; ~~and~~

(11) participation in the initiation, management, modification, and discontinuation of therapy with opiate antagonists, as defined in section 604A.04, subdivision 1, pursuant to:

(i) a written protocol as allowed under clause (6); or

(ii) a written protocol with a community health board medical consultant or a practitioner designated by the commissioner of health, as allowed under section 151.37, subdivision 13; and

(12) prescribing self-administered hormonal contraceptives; nicotine replacement medications; and opiate antagonists for the treatment of an acute opiate overdose pursuant to section 151.37, subdivision 14, 15, or 16.

Sec. 4. Minnesota Statutes 2018, section 151.01, is amended by adding a subdivision to read:

Subd. 42. **Self-administered hormonal contraceptive.** "Self-administered hormonal contraceptive" means a drug composed of a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and is administered by the user.

Sec. 5. Minnesota Statutes 2018, section 151.37, is amended by adding a subdivision to read:

Subd. 14. **Self-administered hormonal contraceptives.** (a) A pharmacist is authorized to prescribe self-administered hormonal contraceptives if the intended use is contraception in accordance with this subdivision. By January 1, 2021, the board shall develop a standardized protocol for the pharmacist to follow in prescribing self-administrated hormonal contraceptives. In developing the protocol, the board shall consult with the Minnesota Board of Medical Practice; the Minnesota Board of Nursing; the commissioner of health; the Minnesota section of the American Congress of Obstetricians and Gynecologists; professional pharmacy associations; and professional associations of physicians, physician assistants, and advanced practice registered nurses. The protocol must, at a minimum, include:

(1) requiring the patient to complete a self-screening tool to identify patient risk factors for the use of self-administered hormonal contraceptives, based on the current United States Medical Eligibility Criteria for Contraceptive Use developed by the federal Centers for Disease Control and Prevention;

(2) requiring the pharmacist to review the screening tool with the patient;

(3) other assessments the pharmacist should make before prescribing self-administered hormonal contraceptives;

(4) situations when the prescribing of self-administered hormonal contraceptives by a pharmacist is contraindicated;

(5) situations when the pharmacist must refer a patient to the patient's primary care provider or, if the patient does not have a primary care provider, to a nearby clinic or hospital; and

(6) any additional information concerning the requirements and prohibitions in this subdivision that the board considers necessary.

(b) Before a pharmacist is authorized to prescribe a self-administered hormonal contraceptive to a patient under this subdivision, the pharmacist shall successfully complete a training program on prescribing self-administered hormonal contraceptives that is offered by a college of pharmacy or by a continuing education provider that is accredited by the Accreditation Council for Pharmacy Education, or a program approved by the board. To maintain authorization to prescribe, the pharmacist shall complete continuing education requirements as specified by the board.

(c) Before prescribing a self-administered hormonal contraceptive, the pharmacist shall follow the standardized protocol developed under paragraph (a), and if appropriate, may prescribe a self-administered hormonal contraceptive to a patient, if the patient is:

(1) 18 years of age or older; or

(2) under the age of 18 if the patient has previously been prescribed a self-administered hormonal contraceptive by a licensed physician, physician assistant, or advanced practice registered nurse.

(d) The pharmacist shall provide counseling to the patient on the use of self-administered hormonal contraceptives and provide the patient with a fact sheet that includes but is not limited to the contraindications for use of the drug, the appropriate method for using the drug, the need for medical follow-up, and any additional information listed in Minnesota Rules, part 6800.0910, subpart 2, that is required to be given to a patient during the counseling process. The pharmacist shall also provide the patient with a written record of the self-administered hormonal contraceptive prescribed by the pharmacist.

(e) If a pharmacist prescribes and dispenses a self-administered hormonal contraceptive under this subdivision, the pharmacist shall not prescribe a refill to the patient unless the patient has evidence of a clinical visit with a physician, physician assistant, or advanced practice registered nurse within the preceding three years.

(f) A pharmacist who is authorized to prescribe a self-administered hormonal contraceptive is prohibited from delegating the prescribing to any other person. A pharmacist intern registered pursuant to section 151.101 may prepare a prescription for a self-administered hormonal contraceptive, but before the prescription is processed or dispensed, a pharmacist authorized to prescribe under this subdivision must review, approve, and sign the prescription.

(g) Nothing in this subdivision prohibits a pharmacist from participating in the initiation, management, modification, and discontinuation of drug therapy according to a protocol or collaborative agreement as authorized in this section and in section 151.01, subdivision 27.

Sec. 6. Minnesota Statutes 2018, section 151.37, is amended by adding a subdivision to read:

Subd. 15. **Nicotine replacement medications.** (a) A pharmacist is authorized to prescribe nicotine replacement medications approved by the United States Food and Drug Administration in accordance with this subdivision. By January 1, 2021, the board shall develop a standardized protocol for the pharmacist to follow in prescribing nicotine replacement medications. In developing the protocol, the board shall consult with the Minnesota Board of Medical Practice; the Minnesota Board

of Nursing; the commissioner of health; professional pharmacy associations; and professional associations of physicians, physician assistants, and advanced practice registered nurses.

(b) Before a pharmacist is authorized to prescribe nicotine replacement medications under this subdivision, the pharmacist shall successfully complete a training program specifically developed for prescribing nicotine replacement medications that is offered by a college of pharmacy or by a continuing education provider that is accredited by the Accreditation Council for Pharmacy Education, or a program approved by the board. To maintain authorization to prescribe, the pharmacist shall complete continuing education requirements as specified by the board.

(c) Before prescribing a nicotine replacement medication, the pharmacist shall follow the appropriate standardized protocol developed under paragraph (a), and if appropriate, may dispense to a patient a nicotine replacement medication.

(d) The pharmacist shall provide counseling to the patient on the use of the nicotine replacement medication and provide the patient with a fact sheet that includes but is not limited to the indications and contraindications for use of a nicotine replacement medication, the appropriate method for using the medication or product, the need for medical follow-up, and any additional information listed in Minnesota Rules, part 6800.0910, subpart 2, that is required to be given to a patient during the counseling process. The pharmacist shall also provide the patient with a written record of the medication prescribed by the pharmacist.

(e) A pharmacist who is authorized to prescribe a nicotine replacement medication under this subdivision is prohibited from delegating the prescribing of the medication to any other person. A pharmacist intern registered pursuant to section 151.101 may prepare a prescription for the medication, but before the prescription is processed or dispensed, a pharmacist authorized to prescribe under this subdivision must review, approve, and sign the prescription.

(f) Nothing in this subdivision prohibits a pharmacist from participating in the initiation, management, modification, and discontinuation of drug therapy according to a protocol or collaborative agreement as authorized in this section and in section 151.01, subdivision 27.

Sec. 7. Minnesota Statutes 2018, section 151.37, is amended by adding a subdivision to read:

Subd. 16. Opiate antagonists for the treatment of an acute opiate overdose. (a) A pharmacist is authorized to prescribe opiate antagonists for the treatment of an acute opiate overdose. By January 1, 2021, the board shall develop a standardized protocol for the pharmacist to follow in prescribing an opiate antagonist. In developing the protocol, the board shall consult with the Minnesota Board of Medical Practice; the Minnesota Board of Nursing; the commissioner of health; professional pharmacy associations; and professional associations of physicians, physician assistants, and advanced practice registered nurses.

(b) Before a pharmacist is authorized to prescribe an opiate antagonist under this subdivision, the pharmacist shall successfully complete a training program specifically developed for prescribing opiate antagonists for the treatment of an acute opiate overdose that is offered by a college of pharmacy or by a continuing education provider that is accredited by the Accreditation Council for Pharmacy Education, or a program approved by the board. To maintain authorization to prescribe, the pharmacist shall complete continuing education requirements as specified by the board.

(c) Before prescribing an opiate antagonist under this subdivision, the pharmacist shall follow the appropriate standardized protocol developed under paragraph (a), and if appropriate, may dispense to a patient an opiate antagonist.

(d) The pharmacist shall provide counseling to the patient on the use of the opiate antagonist and provide the patient with a fact sheet that includes but is not limited to the indications and contraindications for use of the opiate antagonist, the appropriate method for using the opiate antagonist, the need for medical follow-up, and any additional information listed in Minnesota Rules, part 6800.0910, subpart 2, that is required to be given to a patient during the counseling process. The pharmacist shall also provide the patient with a written record of the opiate antagonist prescribed by the pharmacist.

(e) A pharmacist who prescribes an opiate antagonist under this subdivision is prohibited from delegating the prescribing of the medication to any other person. A pharmacist intern registered pursuant to section 151.101 may prepare the prescription for the opiate antagonist, but before the prescription is processed or dispensed, a pharmacist authorized to prescribe under this subdivision must review, approve, and sign the prescription.

(f) Nothing in this subdivision prohibits a pharmacist from participating in the initiation, management, modification, and discontinuation of drug therapy according to a protocol as authorized in this section and in section 151.01, subdivision 27.

Sec. 8. Minnesota Statutes 2019 Supplement, section 256B.0625, subdivision 13, is amended to read:

Subd. 13. **Drugs.** (a) Medical assistance covers drugs, except for fertility drugs when specifically used to enhance fertility, if prescribed by a licensed practitioner and dispensed by a licensed pharmacist, by a physician enrolled in the medical assistance program as a dispensing physician, or by a physician, physician assistant, or a nurse practitioner employed by or under contract with a community health board as defined in section 145A.02, subdivision 5, for the purposes of communicable disease control.

(b) The dispensed quantity of a prescription drug must not exceed a 34-day supply, unless authorized by the commissioner.

(c) For the purpose of this subdivision and subdivision 13d, an "active pharmaceutical ingredient" is defined as a substance that is represented for use in a drug and when used in the manufacturing, processing, or packaging of a drug becomes an active ingredient of the drug product. An "excipient" is defined as an inert substance used as a diluent or vehicle for a drug. The commissioner shall establish a list of active pharmaceutical ingredients and excipients which are included in the medical assistance formulary. Medical assistance covers selected active pharmaceutical ingredients and excipients used in compounded prescriptions when the compounded combination is specifically approved by the commissioner or when a commercially available product:

(1) is not a therapeutic option for the patient;

(2) does not exist in the same combination of active ingredients in the same strengths as the compounded prescription; and

(3) cannot be used in place of the active pharmaceutical ingredient in the compounded prescription.

(d) Medical assistance covers the following over-the-counter drugs when prescribed by a licensed practitioner or by a licensed pharmacist who meets standards established by the commissioner, in consultation with the board of pharmacy: antacids, acetaminophen, family planning products, aspirin, insulin, products for the treatment of lice, vitamins for adults with documented vitamin deficiencies, vitamins for children under the age of seven and pregnant or nursing women, and any other over-the-counter drug identified by the commissioner, in consultation with the Formulary Committee, as necessary, appropriate, and cost-effective for the treatment of certain specified chronic diseases, conditions, or disorders, and this determination shall not be subject to the requirements of chapter 14. A pharmacist may prescribe over-the-counter medications as provided under this paragraph for purposes of receiving reimbursement under Medicaid. When prescribing over-the-counter drugs under this paragraph, licensed pharmacists must consult with the recipient to determine necessity, provide drug counseling, review drug therapy for potential adverse interactions, and make referrals as needed to other health care professionals.

(e) Effective January 1, 2006, medical assistance shall not cover drugs that are coverable under Medicare Part D as defined in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108-173, section 1860D-2(e), for individuals eligible for drug coverage as defined in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108-173, section 1860D-1(a)(3)(A). For these individuals, medical assistance may cover drugs from the drug classes listed in United States Code, title 42, section 1396r-8(d)(2), subject to this subdivision and subdivisions 13a to 13g, except that drugs listed in United States Code, title 42, section 1396r-8(d)(2)(E), shall not be covered.

(f) Medical assistance covers drugs acquired through the federal 340B Drug Pricing Program and dispensed by 340B covered entities and ambulatory pharmacies under common ownership of the 340B covered entity. Medical assistance does not cover drugs acquired through the federal 340B Drug Pricing Program and dispensed by 340B contract pharmacies.

(g) Notwithstanding paragraph (a), medical assistance covers self-administered hormonal contraceptives prescribed and dispensed by a licensed pharmacist in accordance with section 151.37, subdivision 14; nicotine replacement medications prescribed and dispensed by a licensed pharmacist in accordance with section 151.37, subdivision 15; and opiate antagonists used for the treatment of an acute opiate overdose prescribed and dispensed by a licensed pharmacist in accordance with section 151.37, subdivision 16.

Sec. 9. Minnesota Statutes 2018, section 256B.0625, subdivision 13h, is amended to read:

Subd. 13h. **Medication therapy management services.** (a) Medical assistance covers medication therapy management services for a recipient taking prescriptions to treat or prevent one or more chronic medical conditions. For purposes of this subdivision, "medication therapy management" means the provision of the following pharmaceutical care services by a licensed pharmacist to optimize the therapeutic outcomes of the patient's medications:

(1) performing or obtaining necessary assessments of the patient's health status;

(2) formulating a medication treatment plan, which may include prescribing medications or products in accordance with section 151.37, subdivision 14, 15, or 16;

(3) monitoring and evaluating the patient's response to therapy, including safety and effectiveness;

(4) performing a comprehensive medication review to identify, resolve, and prevent medication-related problems, including adverse drug events;

(5) documenting the care delivered and communicating essential information to the patient's other primary care providers;

(6) providing verbal education and training designed to enhance patient understanding and appropriate use of the patient's medications;

(7) providing information, support services, and resources designed to enhance patient adherence with the patient's therapeutic regimens; and

(8) coordinating and integrating medication therapy management services within the broader health care management services being provided to the patient.

Nothing in this subdivision shall be construed to expand or modify the scope of practice of the pharmacist as defined in section 151.01, subdivision 27.

(b) To be eligible for reimbursement for services under this subdivision, a pharmacist must meet the following requirements:

(1) have a valid license issued by the Board of Pharmacy of the state in which the medication therapy management service is being performed;

(2) have graduated from an accredited college of pharmacy on or after May 1996, or completed a structured and comprehensive education program approved by the Board of Pharmacy and the American Council of Pharmaceutical Education for the provision and documentation of pharmaceutical care management services that has both clinical and didactic elements;

(3) be practicing in an ambulatory care setting as part of a multidisciplinary team or have developed a structured patient care process that is offered in a private or semiprivate patient care area that is separate from the commercial business that also occurs in the setting, or in home settings, including long-term care settings, group homes, and facilities providing assisted living services, but excluding skilled nursing facilities; and

(4) make use of an electronic patient record system that meets state standards.

(c) For purposes of reimbursement for medication therapy management services, the commissioner may enroll individual pharmacists as medical assistance providers. The commissioner may also establish contact requirements between the pharmacist and recipient, including limiting the number of reimbursable consultations per recipient.

(d) If there are no pharmacists who meet the requirements of paragraph (b) practicing within a reasonable geographic distance of the patient, a pharmacist who meets the requirements may provide the services via two-way interactive video. Reimbursement shall be at the same rates and under the

same conditions that would otherwise apply to the services provided. To qualify for reimbursement under this paragraph, the pharmacist providing the services must meet the requirements of paragraph (b), and must be located within an ambulatory care setting that meets the requirements of paragraph (b), clause (3). The patient must also be located within an ambulatory care setting that meets the requirements of paragraph (b), clause (3). Services provided under this paragraph may not be transmitted into the patient's residence.

(e) Medication therapy management services may be delivered into a patient's residence via secure interactive video if the medication therapy management services are performed electronically during a covered home care visit by an enrolled provider. Reimbursement shall be at the same rates and under the same conditions that would otherwise apply to the services provided. To qualify for reimbursement under this paragraph, the pharmacist providing the services must meet the requirements of paragraph (b) and must be located within an ambulatory care setting that meets the requirements of paragraph (b), clause (3)."

Delete the title and insert:

"A bill for an act relating to health; authorizing pharmacists to prescribe self-administered hormonal contraceptives, tobacco and nicotine cessation medications and products, and opiate antagonists for the treatment of acute opiate overdose; amending Minnesota Statutes 2018, sections 151.01, by adding a subdivision; 151.37, by adding subdivisions; 256B.0625, subdivision 13h; Minnesota Statutes 2019 Supplement, sections 151.01, subdivisions 23, 27; 256B.0625, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 62Q."

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

Senator Anderson, P. from the Committee on Higher Education Finance and Policy, to which was referred

S.F. No. 3683: A bill for an act relating to higher education; providing for policy changes for the Office of Higher Education, including financial aid, institutional approval, and the Minnesota college savings plan; requiring a report; amending Minnesota Statutes 2018, sections 135A.15, subdivision 1a; 136A.01, subdivision 1; 136A.031, subdivision 3; 136A.121, by adding a subdivision; 136A.125, subdivision 3; 136A.1275, subdivision 1; 136A.1701, subdivision 4; 136A.1791, subdivisions 1, 3; 136A.1795, subdivision 4; 136A.65, subdivisions 4, 7, 8; 136A.657, subdivisions 1, 2, 3; 136A.822, subdivision 8; 136A.827, subdivision 4; 136A.829, subdivision 1; 136A.833, subdivision 1; 136A.834, subdivisions 1, 2; 136G.01; 136G.03, subdivisions 8, 10, 11, 20, 22, 29, 30, 31, 32, by adding subdivisions; 136G.05, subdivisions 2, 5, 7, 10; 136G.09, subdivision 8; 136G.11, subdivisions 11, 13; 136G.13; 136G.14; proposing coding for new law in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 2018, sections 124D.09, subdivision 10a; 136G.03, subdivision 4; 136G.05, subdivision 6.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1**OFFICE OF HIGHER EDUCATION**

Section 1. Minnesota Statutes 2018, section 124D.09, subdivision 10a, is amended to read:

Subd. 10a. **Statewide concurrent enrollment participant survey evaluation.** ~~(a) Postsecondary institutions offering courses taught by the secondary teacher according to subdivision 10, and are members in the National Alliance of Concurrent Enrollment Partnerships (NACEP), must report all required NACEP evaluative survey results by September 1 of each year to the commissioners of the Office of Higher Education and the Department of Education. The commissioners must report by December 1 of each year to the committees of the legislature having jurisdiction over early education through grade 12 education.~~

~~(b) Postsecondary institutions that have not adopted and implemented the NACEP program standards and required evidence for accreditation, are required to conduct an annual survey of concurrent enrolled students who successfully completed the course who are one year out of high school, beginning with the high school graduating class of 2016. By September 1 of each year, the postsecondary institutions must report the evaluative survey results to the commissioners of the Office of Higher Education and the Department of Education. The commissioner must report by December 1 of each year to the committees of the legislature having jurisdiction over early education through grade 12 education. The survey must include, at a minimum, the following student information:~~

- ~~(1) the participant's future education plans, including the highest degree or certification planned;~~
- ~~(2) whether the participant is enrolled or plans to enroll in a Minnesota postsecondary institution, either public or private;~~
- ~~(3) the number of credits accepted or denied by postsecondary institutions;~~
- ~~(4) the college or university attended;~~
- ~~(5) the participant's satisfaction level with the concurrent enrollment program;~~
- ~~(6) the participant's demographics, such as gender, parent education level, qualification for free or reduced-price lunch in high school, Pell grant qualification, and ethnicity; and~~
- ~~(7) a place for participants to provide comments.~~ The Office of Higher Education and the Department of Education shall collaborate in order to provide annual statewide evaluative information on concurrent enrollment programs to the legislature. The commissioners of the Office of Higher Education and the Department of Education, in consultation with stakeholders, including students and parents, must determine what student demographics and outcomes data are appropriate to include in the evaluation, and will use systems available to the office and department to minimize the reporting burden on postsecondary institutions. The commissioners must report by December 1, 2021, and each year thereafter, to the committees of the legislature with jurisdiction over early education through grade 12 and Minnesota State Colleges and Universities.

Sec. 2. Minnesota Statutes 2018, section 135A.15, subdivision 1a, is amended to read:

Subd. 1a. **Sexual assault definition.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Incident" means one report of sexual assault to a postsecondary institution, regardless of the number of complainants included in the report, the number of respondents included in the report, and whether or not the identity of any party is known by the reporting postsecondary institution. Incident encompasses all nonconsensual events included within one report if multiple events have been identified.

(c) "Sexual assault" means rape, sex offenses - fondling, sex offenses - incest, or sex offenses - statutory rape as defined in Code of Federal Regulations, title 34, part 668, subpart D, appendix A, as amended.

Sec. 3. Minnesota Statutes 2018, section 136A.01, subdivision 1, is amended to read:

Subdivision 1. **Creation.** The Office of Higher Education, which may also be known as the Minnesota Office of Higher Education, is created with a commissioner appointed by the governor with the advice and consent of the senate and serving at the pleasure of the governor.

Sec. 4. Minnesota Statutes 2018, section 136A.031, subdivision 3, is amended to read:

Subd. 3. **Student Advisory Council.** (a) A Student Advisory Council (SAC) to the office is established. The members of SAC shall include: the chair of the University of Minnesota student senate; the state chair of the Minnesota State University Student Association; the president of the Minnesota State College Student Association and an officer of the Minnesota State College Student Association, one in a community college course of study and one in a technical college course of study; a student who is enrolled in a private nonprofit postsecondary institution, to be elected by students enrolled in Minnesota Private College Council institutions; ~~and~~ a student who is enrolled in a private ~~for-profit postsecondary institution~~ career school, to be elected by students enrolled in Minnesota ~~Career College Association institutions~~ private career schools; and a student who is enrolled in a Minnesota tribal college to be elected by students enrolled in Minnesota tribal colleges. If students from the private career schools or tribal colleges do not elect a representative, the commissioner must appoint a student representative. If students from the Minnesota Private College Council institutions do not elect a representative, the Minnesota Private College Council must appoint the private nonprofit representative. ~~If students from the Minnesota Career College Association institutions do not elect a representative, the Minnesota Career College Association must appoint the private for-profit representative.~~ A member may be represented by a student designee who attends an institution from the same system that the absent member represents. The SAC shall select one of its members to serve as chair.

(b) The office shall inform the SAC of all matters related to student issues under consideration. The SAC shall report to the office quarterly and at other times that the SAC considers desirable. The SAC shall determine its meeting times, but it shall also meet with the office within 30 days after the commissioner's request for a meeting.

(c) The SAC shall:

(1) bring to the attention of the office any matter that the SAC believes needs the attention of the office;

(2) make recommendations to the office as it finds appropriate; and

(3) approve student appointments by the office for each advisory group as provided in subdivision 4.

Sec. 5. [136A.032] COMMUNITY AND COMMISSIONER PARTICIPATION IN POSTSECONDARY EDUCATION OF AMERICAN INDIANS.

Subdivision 1. Definitions. (a) The term used in this section has the meaning given in this subdivision.

(b) "Tribal Nations Education Committee" means the committee established through tribal directive, for which the commissioner consults on matters related to American Indian postsecondary education programs, policy, and all matters related to educating Minnesota's American Indian postsecondary students. The membership of the Tribal Nations Education Committee is determined by and at the sole discretion of the committee members, and nothing in this section authorizes the commissioner to dictate committee membership.

Subd. 2. American Indian community involvement. The commissioner must provide for the involvement of the Tribal Nations Education Committee, American Indian postsecondary students, and representatives of community groups in the establishment of programs, formation of policies, and all other matters related to the postsecondary education of Minnesota's American Indian students.

Subd. 3. Consultation with the Tribal Nations Education Committee. (a) The commissioner shall seek consultation with the Tribal Nations Education Committee regarding programs, policies, and all other matters related to the postsecondary education of Minnesota's American Indian students.

(b) Nothing in this subdivision prevents the commissioner from seeking consultation with individual tribal nations.

Sec. 6. [136A.096] FINANCIAL AID GOALS.

The legislature directs the commissioner of the Office of Higher Education, in coordination with the Minnesota Department of Education and the Minnesota Association of Secondary School Principals, to set an annual goal for the percentage of Minnesota's high school seniors completing the Free Application for Federal Student Aid (FAFSA).

Sec. 7. Minnesota Statutes 2018, section 136A.121, is amended by adding a subdivision to read:

Subd. 21. Institutional prohibition. An institution receiving financial aid under this section must not suspend or withdraw a student from class attendance and resources during a period of instruction due to an unpaid student account balance unless the student is eligible for a full tuition and fee refund. A period of instruction for the purposes of this subdivision means a new academic term that may be measured in semesters, trimesters, quarters, interim terms, mini terms, or one or more modules so that a student who begins attendance in that new academic term incurs additional tuition and fee charges beyond any outstanding student account balance due to the institution for prior completed terms of enrollment. An institution that measures a program in clock hours and that includes language in the enrollment contract between it and the student to only charge tuition by payment period, is also covered by this subdivision.

Sec. 8. Minnesota Statutes 2018, section 136A.125, subdivision 3, is amended to read:

Subd. 3. **Eligible institution.** A Minnesota public postsecondary institution, a Minnesota private, baccalaureate ~~degree-granting~~ degree-granting college or university, ~~or a Minnesota nonprofit two-year vocational technical school granting associate degrees, or a Minnesota postsecondary institution offering only graduate or professional degrees~~ is eligible to receive child care funds from the office and disburse them to eligible students.

Sec. 9. Minnesota Statutes 2018, section 136A.1275, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** (a) The commissioner of the Office of Higher Education must establish a grant program for student teaching stipends for low-income students enrolled in a Professional Educator Licensing and Standards Board-approved teacher preparation program who intend to teach in a shortage area after graduating and receiving their teaching license or belong to an underrepresented racial or ethnic group.

(b) "Shortage area" means a license field or economic development region within Minnesota defined as a shortage area by the ~~Department of Education~~ Professional Educator Licensing and Standards Board in coordination with the commissioner using data collected for the teacher supply and demand report under section 127A.05, subdivision 6, or other 122A.091, subdivision 5 surveys conducted by the Department of Education that provide indicators for teacher supply and demand.

Sec. 10. Minnesota Statutes 2018, section 136A.1701, subdivision 4, is amended to read:

Subd. 4. **Terms and conditions of loans.** (a) The office may loan money upon such terms and conditions as the office may prescribe.

(b) The maximum loan amount to students ~~enrolled in a bachelor's degree program, postbaccalaureate, or graduate program~~ must be determined annually by the office. For all other eligible students, the principal amount of the loan must not exceed \$7,500 per grade level. Loan limits are defined based on the type of program enrollment, such as a certificate, an associate's degree, a bachelor's degree, or a graduate program. The aggregate principal amount of all loans made subject to this paragraph to a student as an undergraduate and graduate student must not exceed \$140,000. The amount of the loan must not exceed the cost of attendance as determined by the eligible institution less all other financial aid, including PLUS loans or other similar parent loans borrowed on the student's behalf. ~~The cumulative SELF loan debt must not exceed the borrowing maximums in paragraph (c).~~

(c) ~~(1)~~ The cumulative borrowing maximums must be determined annually by the office for students enrolled in a bachelor's degree program or postbaccalaureate program and are defined based on program enrollment. In determining the cumulative borrowing maximums, the office shall, among other considerations, take into consideration the maximum SELF loan amount, student financing needs, funding capacity for the SELF program, delinquency and default loss management, and current financial market conditions.

(2) ~~For all other eligible students, the cumulative borrowing maximums are:~~

(i) ~~grade level 1, \$7,500;~~

- ~~(ii) grade level 2, \$15,000;~~
- ~~(iii) grade level 3, \$22,500;~~
- ~~(iv) grade level 4, \$30,000; and~~
- ~~(v) grade level 5, \$37,500.~~

Sec. 11. Minnesota Statutes 2018, section 136A.1791, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The terms used in this section have the meanings given them in this subdivision.

(b) "Qualified educational loan" means a government, commercial, or foundation loan for actual costs paid for tuition and reasonable educational and living expenses related to a teacher's preparation or further education.

(c) "School district" means an independent school district, special school district, intermediate district, education district, special education cooperative, service cooperative, a cooperative center for vocational education, or a charter school located in Minnesota.

(d) "Teacher" means an individual holding a teaching license issued by the Professional Educator Licensing and Standards Board who is employed by a school district to provide classroom instruction.

(e) "Teacher shortage area" means:

(1) the licensure fields and economic development regions reported by the ~~commissioner of education~~ Professional Educator Licensing and Standards Board in coordination with the commissioner as experiencing a teacher shortage; and

(2) economic development regions where there is a shortage of licensed teachers who reflect the racial or ethnic diversity of students in the region as reported by the ~~commissioner of education~~ Professional Educator Licensing and Standards Board in coordination with the commissioner.

(f) "Commissioner" means the commissioner of the Office of Higher Education unless indicated otherwise.

Sec. 12. Minnesota Statutes 2018, section 136A.1791, subdivision 3, is amended to read:

Subd. 3. **Use of report on teacher shortage areas.** ~~The commissioner of education shall use~~ Using data collected for the teacher supply and demand report to the legislature to under section 122A.091, subdivision 5, Professional Educator Licensing and Standards Board shall identify the licensure fields and economic development regions in Minnesota experiencing a teacher shortage.

Sec. 13. Minnesota Statutes 2018, section 136A.1795, subdivision 4, is amended to read:

Subd. 4. **Loan forgiveness.** (a) The commissioner may select ~~a maximum of five~~ eligible applicants each year for participation in the loan forgiveness program, within the limits of available funding. Applicants are responsible for securing their own qualified educational loans.

(b) The commissioner must select participants based on their suitability for practice serving the designated rural area, as indicated by experience or training. The commissioner must give preference to applicants closest to completing their training.

(c) The commissioner must make annual disbursements directly to the participant of \$15,000 or the balance of the participant's qualifying educational loans, whichever is less, for each year that a participant meets the service obligation required under subdivision 3, paragraph (b), up to a maximum of five years.

(d) Before receiving loan repayment disbursements and as requested, the participant must complete and return to the commissioner a confirmation of practice form provided by the commissioner verifying that the participant is practicing as required under subdivision 2, paragraph (a). The participant must provide the commissioner with verification that the full amount of loan repayment disbursement received by the participant has been applied toward the designated loans. After each disbursement, verification must be received by the commissioner and approved before the next loan repayment disbursement is made.

(e) Participants who move their practice remain eligible for loan repayment as long as they practice as required under subdivision 2, paragraph (a).

Sec. 14. Minnesota Statutes 2018, section 136A.65, subdivision 7, is amended to read:

Subd. 7. **Conditional approval.** (a) The office may grant a school a one-year conditional approval for a degree or use of a term in its name if doing so would be in the best interests of currently enrolled students or prospective students. Conditional approval of a degree or use of a term under this paragraph must not exceed a period of three years.

(b) The office may grant new schools physically located in Minnesota and new programs a one-year conditional approval for degrees or use of a term in its name to allow the school the opportunity to apply for and receive accreditation as required in subdivision 1a. Conditional approval of a school or program under this paragraph must not exceed a period of five years. A new school or program granted conditional approval may be allowed to continue in order to complete an accreditation process upon terms and conditions the office determines.

(c) The office may grant a registered school a one-year conditional approval for degrees or use of a term in its name to allow the school the opportunity to apply for and receive accreditation as required in subdivision 1a if the school's accrediting agency is no longer recognized by the United States Department of Education for purposes of eligibility to participate in Title IV federal financial aid programs. The office must not grant conditional approvals under this paragraph to a school for a period of more than five years.

(d) The office may grant a registered school a one-year conditional approval for degrees or use of a term in its name to allow the school to change to a different accrediting agency recognized by the United States Department of Education for purposes of eligibility to participate in Title IV federal financial aid programs. The office must not grant conditional approvals under this paragraph to a school for a period of more than five years.

Sec. 15. Minnesota Statutes 2018, section 136A.65, subdivision 8, is amended to read:

Subd. 8. **Disapproval of registration; appeal.** (a) By giving written notice and reasons to the school, the office may ~~refuse to renew;~~

(1) revoke, ~~or~~ suspend, or refuse to renew registration;

(2) refuse approval of a school's degree, ~~or~~; and

(3) refuse approval of use of a regulated term in its name ~~by giving written notice and reasons to the school.~~

(b) Reasons for revocation or suspension of registration or approval may be for one or more of the following reasons:

(1) violating the provisions of sections 136A.61 to 136A.71;

(2) providing false, misleading, or incomplete information to the office;

(3) presenting information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect to students or prospective students; ~~or~~

(4) refusing to allow reasonable inspection or to supply reasonable information after a written request by the office has been received; or

(5) having been administratively determined by the commissioner or judicially determined to have committed fraud or any other material violation of law involving federal, state, or local government funds.

(c) Any order refusing, revoking, or suspending a school's registration, approval of a school's degree, or use of a regulated term in the school's name is appealable in accordance with chapter 14. The request must be in writing and made to the office within 30 days of the date the school is notified of the action of the office. If a school has been operating and its registration has been revoked, suspended, or refused by the office, the order is not effective until the final determination of the appeal, unless immediate effect is ordered by the court.

Sec. 16. Minnesota Statutes 2018, section 136A.657, subdivision 1, is amended to read:

Subdivision 1. **Exemption.** ~~Any~~ (a) A program is exempt from the provisions of sections 136A.61 to 136A.71 if it is:

(1) offered by a school or any department or branch of a school ~~(a) which~~ that is substantially owned, operated, or supported by a bona fide church or religious organization; ~~(b) whose programs are~~

(2) primarily designed for, aimed at and attended by persons who sincerely hold or seek to learn the particular religious faith or beliefs of that church or religious organization; and

~~(c) whose programs are~~ (3) primarily intended to prepare its students to become ministers of, to enter into some other vocation closely related to, or to conduct their lives in consonance with, the particular faith of that church or religious organization;

is exempt from the provisions of sections 136A.61 to 136A.834.

(b) A school or a department or branch of a school is exempt from the provisions of sections 136A.61 to 136A.71 if all of its programs are exempt under paragraph (a).

Sec. 17. Minnesota Statutes 2018, section 136A.657, subdivision 2, is amended to read:

Subd. 2. **Limitation.** (a) This exemption shall not extend to any program or school or to any department or branch of a school ~~which that~~ through advertisements or solicitations represents to any students or prospective students that the school, its aims, goals, missions or purposes or its programs are different from those described in subdivision 1.

(b) This exemption shall not extend to any school ~~which that~~ represents to any student or prospective student that the major purpose of its programs is to:

(1) prepare the student for a vocation not closely related to that particular religious faith; ~~or to~~

(2) provide the student with a general educational program recognized by other schools or the broader educational, business or social community as being substantially equivalent to the educational programs offered by schools or departments or branches of schools ~~which that~~ are not exempt from sections 136A.61 to 136A.71, and rules adopted pursuant thereto.

Sec. 18. Minnesota Statutes 2018, section 136A.657, subdivision 3, is amended to read:

Subd. 3. **Scope.** Nothing in sections 136A.61 to ~~136A.834~~ 136A.71, or the rules adopted pursuant thereto, shall be interpreted as permitting the office to determine the truth or falsity of any particular set of religious beliefs.

Sec. 19. Minnesota Statutes 2018, section 136A.827, subdivision 4, is amended to read:

Subd. 4. **Proration.** When a student has been accepted by a private career school and gives ~~written~~ notice of cancellation after the program of instruction has begun, but before completion of 75 percent of the program, the amount charged for tuition, fees and all other charges shall be prorated based on the number of days in the term as a portion of the total charges for tuition, fees and all other charges. An additional 25 percent of the total cost of the program may be added but shall not exceed \$100. After completion of 75 percent of the program, no refunds are required. A notice of cancellation from a student under this subdivision must be confirmed in writing by the private career school and mailed to the student's last known address. The confirmation from the school must state that the school has withdrawn the student from enrollment, and if this action was not the student's intent, the student must contact the school.

Sec. 20. Minnesota Statutes 2018, section 136A.829, subdivision 1, is amended to read:

Subdivision 1. **Grounds.** The office may, after notice and upon providing an opportunity for a hearing, under chapter 14 if requested by the parties adversely affected, refuse to issue, refuse to renew, revoke, or suspend a license or solicitor's permit for any of the following grounds:

(1) violation of any provisions of sections 136A.821 to 136A.833 or any rule adopted by the office;

- (2) furnishing to the office false, misleading, or incomplete information;
- (3) presenting to prospective students information relating to the private career school that is false, fraudulent, deceptive, substantially inaccurate, or misleading;
- (4) refusal to allow reasonable inspection or supply reasonable information after written request by the office;
- (5) having been administratively determined by the commissioner or judicially determined to have committed fraud or any other material violation of law involving federal, state, or local government funds; or
- ~~(5)~~ (6) the existence of any circumstance that would be grounds for the refusal of an initial or renewal license under section 136A.822.

Sec. 21. Minnesota Statutes 2018, section 136A.833, subdivision 1, is amended to read:

Subdivision 1. **Application for exemptions.** A school that seeks an exemption from the provisions of sections 136A.822 to 136A.834 for the school and all of its programs or some of its programs must apply to the office to establish that the school meets the requirements of an exemption. An exemption expires two years from the date of approval or when a school adds a new program or makes a modification equal to or greater than 25 percent to an existing educational program. If a school is reapplying for an exemption, the application must be submitted to the office 90 days before the current exemption expires.

Sec. 22. Minnesota Statutes 2018, section 136A.834, subdivision 1, is amended to read:

Subdivision 1. **Exemption.** ~~Any~~ (a) A program is exempt from the provisions of sections 136A.821 to 136A.832 if it is:

- (1) offered by a private career school or any department or branch of a private career school:
- ~~(1) which that~~ is substantially owned, operated, or supported by a bona fide church or religious organization;
- ~~(2) whose programs are~~ primarily designed for, aimed at, and attended by persons who sincerely hold or seek to learn the particular religious faith or beliefs of that church or religious organization; and
- ~~(3) whose programs are~~ primarily intended to prepare its students to become ministers of, to enter into some other vocation closely related to, or to conduct their lives in consonance with the particular faith of that church or religious organization;

~~is exempt from the provisions of sections 136A.821 to 136A.832.~~

(b) Any private career school or any department or branch of a private career school is exempt from the provisions of sections 136A.821 to 136A.832 if all of its programs are exempt under paragraph (a).

Sec. 23. Minnesota Statutes 2018, section 136A.834, subdivision 2, is amended to read:

Subd. 2. **Limitations.** (a) An exemption shall not extend to any private career school, department or branch of a private career school, or program of a private career school ~~which~~ that through advertisements or solicitations represents to any students or prospective students that the school, its aims, goals, missions, purposes, or programs are different from those described in subdivision 1.

(b) An exemption shall not extend to any private career school ~~which~~ or program that represents to any student or prospective student that the major purpose of its programs is to:

(1) prepare the student for a vocation not closely related to that particular religious faith; or

(2) provide the student with a general educational program recognized by other private career schools or the broader educational, business, or social community as being substantially equivalent to the educational programs offered by private career schools or departments or branches of private career schools which are not religious in nature and are not exempt from sections 136A.82 to 136A.834 and from rules adopted under sections 136A.82 to 136A.834.

ARTICLE 2

MINNESOTA COLLEGE SAVINGS PLAN

Section 1. Minnesota Statutes 2018, section 136G.01, is amended to read:

136G.01 PLAN ESTABLISHED.

A college savings plan known as "the Minnesota college savings plan" or "the Minnesota 529 college savings plan" is established. In establishing this plan, the legislature seeks to encourage individuals to save for postsecondary education by:

(1) providing a qualified tuition plan under federal tax law; and

(2) encouraging individuals, foundations, and businesses to provide additional grants to participating students.

Sec. 2. Minnesota Statutes 2018, section 136G.03, subdivision 8, is amended to read:

Subd. 8. **Contribution.** "Contribution" means a payment directly allocated to an account for the benefit of a beneficiary. For a rollover distribution, only the portion of the rollover amount that constitutes investment in the account is treated as a contribution to the account. For purposes of this chapter, "contribution" includes a recontribution that satisfies the requirements of section 529(c)(3)(D) of the Internal Revenue Code.

Sec. 3. Minnesota Statutes 2018, section 136G.03, subdivision 10, is amended to read:

Subd. 10. **Distribution.** "Distribution" means a disbursement from an account ~~to the account owner, the beneficiary, or the beneficiary's estate or to an eligible educational institution.~~ Distribution does not include a change of beneficiary to a member of the family of the prior beneficiary or a rollover distribution.

Sec. 4. Minnesota Statutes 2018, section 136G.03, subdivision 11, is amended to read:

Subd. 11. **Dormant account.** "Dormant account" means an account that has not received contributions for at least three consecutive years and the account statements ~~mailed~~ sent to the account owner have been returned as undeliverable.

Sec. 5. Minnesota Statutes 2018, section 136G.03, is amended by adding a subdivision to read:

Subd. 17a. **Elementary and secondary tuition.** "Elementary and secondary tuition" has the meaning provided under section 529(c)(7) of the Internal Revenue Code.

Sec. 6. Minnesota Statutes 2018, section 136G.03, subdivision 20, is amended to read:

Subd. 20. **Maximum account balance limit.** "Maximum account balance limit" means the amount established by the office under section 136G.09, subdivision 8, paragraph ~~(d)~~ (b).

Sec. 7. Minnesota Statutes 2018, section 136G.03, subdivision 30, is amended to read:

Subd. 30. **Qualified higher education expenses.** "Qualified higher education expenses" means expenses as defined in section 529(e)(3), 529(c)(7), 529(c)(8), and 529(c)(9), of the Internal Revenue Code.

Sec. 8. Minnesota Statutes 2018, section 136G.03, subdivision 31, is amended to read:

Subd. 31. **Qualified rollover distribution.** "Qualified rollover distribution" means a ~~transfer of funds made:~~

~~(1) from one account to another account within 60 days of a distribution;~~

~~(2) from another qualified state tuition program to an account within 60 days of the distribution;~~
or

~~(3) to another qualified state tuition program from an account within 60 days of a distribution.~~

~~When there is a change of beneficiary in a rollover distribution, the transfer of funds must be made for the benefit of a new beneficiary who is a member of the family of the prior beneficiary. A rollover distribution from one qualified tuition plan to another once every 12 months without a change of beneficiary is permitted~~ distribution that qualifies as a rollover under section 529(c)(3)(C) of the Internal Revenue Code.

Sec. 9. Minnesota Statutes 2018, section 136G.03, is amended by adding a subdivision to read:

Subd. 33a. **Taxable distribution.** "Taxable distribution" means: (1) a distribution made from an account other than a qualified distribution, the earnings on which are subject to one or more federal taxes; or (2) a distribution subject to additional federal tax under section 529(c)(6) of the Internal Revenue Code.

Sec. 10. Minnesota Statutes 2018, section 136G.05, subdivision 2, is amended to read:

Subd. 2. **Accounts-type plan.** The office must establish the plan and the plan must be operated as an accounts-type plan that permits persons to save for qualified higher education expenses ~~incurred at any eligible educational institution, regardless of whether it is private or public or whether it is~~

~~located within or outside of the state.~~ A separate account must be maintained for each beneficiary for whom contributions are made.

Sec. 11. Minnesota Statutes 2018, section 136G.05, subdivision 5, is amended to read:

Subd. 5. ~~Nonqualified~~ **Taxable distributions and matching grants.** There cannot be a ~~nonqualified withdrawal of taxable distribution of matching grant funds and any refund of matching grants must be returned to the plan office.~~

Sec. 12. Minnesota Statutes 2018, section 136G.05, subdivision 7, is amended to read:

Subd. 7. **Marketing.** The commissioner shall make parents and other interested individuals aware of the availability and advantages of the ~~program plan~~ as a way to save for higher education costs.

Sec. 13. Minnesota Statutes 2018, section 136G.09, subdivision 6, is amended to read:

Subd. 6. **Change of beneficiary.** Except as provided for minor trust accounts in section 136G.14, an account owner may change the beneficiary of an account to a member of the family of the current beneficiary, at any time without penalty, if the change will not cause the total account balance of all accounts held for the new beneficiary to exceed the maximum account balance limit as provided in subdivision 8. A change of beneficiary other than as permitted in this subdivision is treated as a ~~nonqualified taxable~~ distribution under section 136G.13, subdivision 3.

Sec. 14. Minnesota Statutes 2018, section 136G.09, subdivision 8, is amended to read:

Subd. 8. **Maximum account balance limit.** (a) When a contribution is made, the total account balance of all accounts held for the same beneficiary, including matching grant accounts, must not exceed the maximum account balance limit as determined under this subdivision.

(b) The office must establish a maximum account balance limit. The office must adjust the maximum account balance limit, as necessary, or on January 1 of each year. The maximum account balance limit must not exceed the amount permitted for the plan to qualify as a qualified tuition program under section 529 of the Internal Revenue Code.

~~(c) If the total account balance of all accounts held for a single beneficiary reaches the maximum account balance limit prior to the end of that calendar year, the beneficiary may receive an applicable matching grant for that calendar year.~~

Sec. 15. Minnesota Statutes 2018, section 136G.11, subdivision 11, is amended to read:

Subd. 11. **Ownership of matching grant funds.** The state retains ownership of all matching grants and earnings on matching grants until a qualified distribution is made to a beneficiary ~~or, an account owner,~~ an eligible educational institution, or any other third party as requested by an account owner.

Sec. 16. Minnesota Statutes 2018, section 136G.11, subdivision 13, is amended to read:

Subd. 13. **Forfeiture of matching grants.** (a) Matching grants are forfeited if:

(1) the account owner transfers the total account balance of an account to another account or to another qualified tuition program;

~~(2) the beneficiary receives a full tuition scholarship or is attending a United States service academy~~ any of the exceptions under section 530(d)(4)(B)(i) to (iv) of the Internal Revenue Code apply to the beneficiary, and the exceptions cover 100 percent of the beneficiary's qualified higher education expenses, unless the account owner requests the matching grant funds be used to make a qualified education loan repayment as defined in section 529(c)(9) of the Internal Revenue Code;

(3) ~~the beneficiary dies or becomes disabled;~~

~~(4)~~ the account owner changes the beneficiary of the account; or

~~(5)~~ (4) the account owner closes the account with a ~~nonqualified withdrawal~~ taxable distribution.

(b) Matching grants must be proportionally forfeited if:

(1) the account owner transfers a portion of an account to another account or to another qualified tuition program; or

~~(2) the beneficiary receives a scholarship covering a portion of qualified higher education expenses~~ the account owner takes a partial taxable distribution; or

~~(3) the account owner makes a partial nonqualified withdrawal.~~

(c) If the account owner makes a misrepresentation in a participation agreement or an application for a matching grant that results in a matching grant, the matching grant associated with the misrepresentation is forfeited. The office and the board must instruct the plan administrator as to the amount to be forfeited from the matching grant account. The office and the board must withdraw the matching grant or the proportion of the matching grant that is related to the misrepresentation.

Sec. 17. Minnesota Statutes 2018, section 136G.13, is amended to read:

136G.13 ACCOUNT DISTRIBUTIONS.

Subdivision 1. **Qualified distribution methods.** (a) Qualified distributions may be made:

(1) directly to participating eligible educational institutions on behalf of the beneficiary;

~~(2) in the form of a check payable to both the beneficiary and the eligible educational institution;~~
or

~~(3) (2) directly to the account owner or beneficiary if the account owner or beneficiary has already paid qualified higher education expenses.~~ but only to the account owner if the qualified distribution is for elementary or secondary tuition; or

(3) to any other third party as requested by the account owner.

(b) Qualified distributions must be withdrawn proportionally from contributions and earnings in an account owner's account on the date of distribution as provided in section 529 of the Internal Revenue Code.

~~Subd. 2. **Matching grant accounts.** Qualified distributions are based on the total account balances in an account owner's account and matching grant account, if any, on the date of distribution. Qualified distributions must be withdrawn proportionally from each account based on the relative total account balance of each account to the total account balance for both accounts. Amounts for matching grants and matching grant earnings must only be distributed for qualified higher education expenses. Matching grant account funds may be used as part or all of a qualified distribution.~~

~~Subd. 3. **Nonqualified Taxable distribution.** An account owner may request a nonqualified taxable distribution from an account at any time. Nonqualified Taxable distributions are based on the total account balances in an account owner's account and must be withdrawn proportionally from contributions and earnings as provided in section 529 of the Internal Revenue Code. The earnings portion of a nonqualified distribution is subject to a federal additional tax pursuant to section 529 of the Internal Revenue Code. For purposes of this subdivision, "earnings portion" means the ratio of the earnings in the account to the total account balance, immediately prior to the distribution, multiplied by the distribution.~~

~~Subd. 4. **Nonqualified Taxable distributions from matching grant accounts.** (a) If an account owner requests a nonqualified taxable distribution from an account that has a matching grant account, the total account balance of the matching grant account, if any, is reduced.~~

~~(b) After the nonqualified taxable distribution is withdrawn from the account ~~including any penalty as provided in subdivision 3~~, the account owner forfeits matching grant amounts in the same proportion as the nonqualified taxable distribution is to the total account balance of the account.~~

~~Subd. 5. **Distributions due to death or disability of, or scholarship to, or attendance at a United States military academy by, a beneficiary.** An account owner may request a distribution due to the death or disability of, or scholarship to, or attendance at a United States military academy by, a beneficiary from an account by submitting a completed request to the plan. ~~Prior to distribution, the account owner shall certify the reason for the distribution and provide written confirmation from a third party that the beneficiary has died, become disabled, or received a scholarship for attendance at an eligible educational institution, or is attending a United States military academy. The plan must not consider a request to make a distribution until a third-party written confirmation is received by the plan. For purposes of this subdivision, a third-party written confirmation consists of the following:~~~~

~~(1) for death of the beneficiary, a certified copy of the beneficiary's death record;~~

~~(2) for disability of the beneficiary, a certification by a physician who is a doctor of medicine or osteopathic medicine stating that the doctor is legally authorized to practice in a state of the United States and that the beneficiary is unable to attend any eligible educational institution because of an injury or illness that is expected to continue indefinitely or result in death. Certification must be on a form approved by the plan;~~

~~(3) for a scholarship award to the beneficiary, a letter from the grantor of the scholarship or from the eligible educational institution receiving or administering the scholarship, that identifies~~

~~the beneficiary by name and Social Security number or taxpayer identification number as the recipient of the scholarship and states the amount of the scholarship, the period of time or number of credits or units to which it applies, the date of the scholarship, and, if applicable, the eligible educational institution to which the scholarship is to be applied; or~~

~~(4) for attendance by the beneficiary at a United States military academy, a letter from the military academy indicating the beneficiary's enrollment and attendance. The plan shall apprise the account owner that the account owner is responsible for obtaining and retaining records and other documentation adequate to substantiate a distribution under this section.~~

Sec. 18. Minnesota Statutes 2018, section 136G.14, is amended to read:

136G.14 MINOR TRUST ACCOUNTS.

(a) This section applies to a plan account in which funds of a minor trust account are invested.

(b) The account owner may not be changed to any person other than a successor custodian or the beneficiary unless a court order directing the change of ownership is provided to the plan administrator. The custodian must sign all forms and requests submitted to the plan administrator in the custodian's representative capacity. The custodian must notify the plan administrator in writing when the beneficiary becomes legally entitled to be the account owner. An account owner under this section may not select a contingent account owner.

(c) The beneficiary of an account under this section may not be changed. If the beneficiary dies, assets in a plan account become the property of the beneficiary's estate. Funds in an account must not be transferred or rolled over to another account owner or to an account for another beneficiary. ~~A nonqualified taxable distribution from an account, or a distribution due to the disability or scholarship award to the beneficiary, or made on account of the beneficiary's attendance at a United States military academy that qualifies as an exception under section 530(d)(4)(B)(ii) to (iv) of the Internal Revenue Code, must be used for the benefit of the beneficiary.~~

(d) Funds in an account for a beneficiary under this section may be rolled over into an ABLE account under section 529A of the Internal Revenue Code, subject to the limits and requirements of section 529A of the Internal Revenue Code.

Sec. 19. **REPEALER.**

Minnesota Statutes 2018, sections 136G.03, subdivisions 4 and 22; and 136G.05, subdivision 6, are repealed."

Amend the title as follows:

Page 1, line 4, delete "requiring a report;"

Amend the title numbers accordingly

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

Senator Westrom from the Committee on Agriculture, Rural Development, and Housing Finance, to which was referred

S.F. No. 3057: A bill for an act relating to agriculture; appropriating money for veterinary diagnostic laboratory equipment.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred

S.F. No. 4200: A bill for an act relating to human services; modifying long-term care consultation services; modifying long-term care options counseling; modifying reimbursement for long-term care consultation services; amending Minnesota Statutes 2018, sections 144.586, by adding a subdivision; 144D.04, subdivision 2; 144G.03, subdivision 4; 256.01, subdivision 24; 256.975, subdivisions 7, 7c, 7d, by adding subdivisions; 256B.055, subdivision 12; 256B.0575, subdivision 2; 256B.0911, subdivisions 1, 2b, 2c, 3, 3b, 4d, 6, by adding a subdivision; Minnesota Statutes 2019 Supplement, sections 144G.50, subdivision 2; 144G.70, subdivision 2; 256B.0911, subdivisions 1a, 3a, 3f, 5; repealing Minnesota Statutes 2018, section 256B.0911, subdivisions 3c, 3d, 3e.

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

Delete everything after the enacting clause and insert:

"Section 1. **COMMISSIONER OF HUMAN SERVICES TEMPORARY EMERGENCY AUTHORITY.**

Subdivision 1. Peacetime emergency; temporary authority granted. In the event the governor has declared a peacetime emergency pursuant to Minnesota Statutes, section 12.31, in response to a potential or actual outbreak of COVID-19, the commissioner of human services is granted temporary authority as described and limited by this section to protect the health and safety of the public. The temporary authority granted to the commissioner in this section may only be used for purposes related to preparing for, preventing, or responding to an outbreak of COVID-19, and for preserving access to programs and services provided by the Department of Human Services and preventing the spread of COVID-19. The temporary authority granted to the commissioner in this section expires no more than 60 days after the declaration of peacetime emergency expires.

Subd. 2. Temporary waiver or modification; licensing, background study, and other approval procedures. The commissioner of human services may temporarily waive or modify any of the following:

(1) the Human Services Licensing Act in Minnesota Statutes, chapter 245A, and accompanying standards governed under Minnesota Statutes, chapters 245D to 245H, and accompanying rules;

(2) the Department of Human Services Background Studies Act in Minnesota Statutes, chapter 245C, excluding disqualification standards and criteria;

(3) other written policies or procedures with respect to the use, licensing, certification, evaluation, or approval of facilities or programs within the commissioner's jurisdiction;

(4) other written policies and procedures related to appeals and sanctions;

(5) other written policies or procedures with respect to background studies required to be conducted by the Department of Human Services; and

(6) provisions relating to the Minnesota state-operated community services (MSOCS) program in Minnesota Statutes, chapters 245D, 246, and 252.

The commissioner may waive or modify requirements beginning with the date of the declaration in subdivision 1. Any waivers granted or modifications made pursuant to this subdivision shall be posted on the department's website.

Subd. 3. **Temporary waiver or modification; enrollment and services standards.** The commissioner of human services may temporarily waive or modify any provisions of Minnesota Statutes, chapters 119B, 245, 246, 252, 253, 254A, 254B, 256, 256B, 256D, 256E, 256I, 256J, 256K, 256L, 256M, 256P, 256R, 256S, 260C, 260D, and 626, that govern:

(1) requirement of in-person assessment, application for services, or case management;

(2) application for eligibility and eligibility renewal time frames, processes, and verification;

(3) reporting and verification requirements;

(4) assessment renewal time frames, verifications, and processes;

(5) work or community engagement activity requirements for eligibility;

(6) limits on the use of telehealth or other restrictions on electronic communication with providers;

(7) service delivery standards, locations, settings, or staff ratios;

(8) provider standards, including staffing ratios;

(9) timing of provider reporting requirements;

(10) payment procedures, including but not limited to the use of prepayments, partial payment for additional absent days, and payment for closed days; and

(11) service agreement length.

The commissioner may waive or modify requirements beginning with the date of the declaration in subdivision 1. Any waivers granted or modifications made pursuant to this subdivision shall be posted on the department's website.

Subd. 4. **Notice to legislature; objections.** The commissioner of human services shall provide written notice to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over the Department of Human Services of modifications under subdivision 2 or 3 no more than 48 hours after a modification goes into effect. If two or more of the

chairs submit a written objection to a modification within seven days of receiving the notice, the commissioner shall cease all activities to implement the modification and it shall no longer be in effect. A chair submitting an objection under this subdivision may withdraw the objection.

Subd. 5. **Report.** The commissioner of human services shall provide a report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over the Department of Human Services by January 15, 2021, with specific details about state statutes and rules waived as authorized in this section in response to a COVID-19 outbreak.

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

Sec. 2. **EXPIRATION.**

Section 1 expires upon submission of the report in section 1, subdivision 5."

Delete the title and insert:

"A bill for an act relating to human services; granting the commissioner of human services certain temporary emergency authority relating to COVID-19."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2043, 2919, 4217, 3113, 3556, and 3683 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Abeler and Hoffman introduced--

S.F. No. 4410: A bill for an act relating to environment; prohibiting resource recovery facilities from operating near schools and requiring site remediation; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senator Pappas introduced--

S.F. No. 4411: A bill for an act relating to public labor regulations; delaying implementation of the Public Employee Relations Board; amending Laws 2014, chapter 211, section 13, as amended.

Referred to the Committee on State Government Finance and Policy and Elections.

Senator Pappas introduced--

S.F. No. 4412: A bill for an act relating to economic development; appropriating money for a community food site.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

Senators Hall, Ingebrigtsen, Koran, and Kiffmeyer introduced--

S.F. No. 4413: A bill for an act relating to education; removing exemptions from obscenity laws for public schools; creating a civil cause of action; amending Minnesota Statutes 2018, sections 617.291, subdivision 2; 617.295; 617.296, by adding a subdivision.

Referred to the Committee on E-12 Finance and Policy.

Senator Clausen introduced--

S.F. No. 4414: A bill for an act relating to elections; specifying that counties and municipalities must not designate school buildings as polling places unless no other building is available; amending Minnesota Statutes 2018, section 204B.16, subdivision 1.

Referred to the Committee on State Government Finance and Policy and Elections.

Senator Draheim introduced--

S.F. No. 4415: A bill for an act relating to higher education; requiring Minnesota State Colleges and Universities to establish an associate degree in applied science transfer pathway; requiring a report; amending Minnesota Statutes 2018, section 135A.08, by adding a subdivision.

Referred to the Committee on Higher Education Finance and Policy.

Senator Cohen introduced--

S.F. No. 4416: A bill for an act relating to state government; repealing a fiscal year 2022 reduction to the budget reserve account; repealing Laws 2019, First Special Session chapter 6, article 11, section 17.

Referred to the Committee on Finance.

Senator Wiger introduced--

S.F. No. 4417: A bill for an act relating to motor vehicles; amending driver's license examination procedures for individuals with seizure disorders; allowing a person without a driver's license to operate off-road vehicles on roads; authorizing rulemaking; amending Minnesota Statutes 2018, sections 169.223, subdivision 2; 171.13, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 2018, section 171.02, subdivision 3.

Referred to the Committee on Transportation Finance and Policy.

Senators Koran and Draheim introduced--

S.F. No. 4418: A bill for an act relating to emergency management; protecting information and telecommunications technology systems and services during emergencies; amending Minnesota Statutes 2018, sections 12.03, by adding subdivisions; 12.21, subdivision 2; 12.31, subdivision 2; 12.35, subdivision 4; 12.36; repealing Minnesota Statutes 2018, section 12.03, subdivision 5d.

Referred to the Committee on State Government Finance and Policy and Elections.

Senators Anderson, P.; Rarick; Relph; and Goggin introduced--

S.F. No. 4419: A bill for an act relating to higher education; clarifying and expanding workforce development scholarships; amending Minnesota Statutes 2019 Supplement, section 136F.38, subdivision 3.

Referred to the Committee on Higher Education Finance and Policy.

Senators Rarick, Relph, and Johnson introduced--

S.F. No. 4420: A bill for an act relating to higher education; modifying reverse credit transfers.

Referred to the Committee on Higher Education Finance and Policy.

Senators Simonson, Dibble, and Marty introduced--

S.F. No. 4421: A bill for an act relating to energy; requiring the Department of Commerce to assist any tribal advocacy council on energy established by the 11 federally recognized Indian tribes in Minnesota.

Referred to the Committee on Energy and Utilities Finance and Policy.

Senators Simonson, Dibble, and Marty introduced--

S.F. No. 4422: A bill for an act relating to energy; extending the period covered by the cold weather rule; amending Minnesota Statutes 2018, sections 216B.096, subdivision 2; 216B.097, subdivisions 1, 2, 3.

Referred to the Committee on Energy and Utilities Finance and Policy.

Senator Simonson introduced--

S.F. No. 4423: A bill for an act relating to transportation; governing road examinations for a driver's license; establishing a fee; requiring a report; amending Minnesota Statutes 2018, section 171.13, subdivision 7, by adding a subdivision.

Referred to the Committee on Transportation Finance and Policy.

Senators Benson and Abeler introduced--

S.F. No. 4424: A bill for an act relating to retirement; volunteer firefighter relief associations and the cities of Ramsey and Nowthen; providing for the division of the Ramsey Volunteer Firefighters' Relief Association and the transfer of accounts to a relief association affiliated with the city of Nowthen.

Referred to the Committee on State Government Finance and Policy and Elections.

Senator Howe introduced--

S.F. No. 4425: A bill for an act relating to employment; modifying workers' compensation and line of duty benefits for the safety of firefighters; amending Minnesota Statutes 2018, section 176.011, subdivision 15; proposing coding for new law in Minnesota Statutes, chapter 181.

Referred to the Committee on State Government Finance and Policy and Elections.

Senators Lang, Goggin, Hall, and Howe introduced--

S.F. No. 4426: A bill for an act relating to crime; providing guidance to courts on sentencing veterans for criminal offenses related to a service-related disorder; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Veterans and Military Affairs Finance and Policy.

Senators Wiger, Weber, and Eken introduced--

S.F. No. 4427: A bill for an act relating to natural resources; requiring report on ways to ensure sustainability of groundwater and surface water.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senators Wiger, Weber, and Eken introduced--

S.F. No. 4428: A bill for an act relating to environment; providing for labeling of certain nonwoven disposable products; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce and Consumer Protection Finance and Policy.

Senators Wiger, Weber, and Eken introduced--

S.F. No. 4429: A bill for an act relating to health; appropriating money for plan to monitor water quality at beaches.

Referred to the Committee on Health and Human Services Finance and Policy.

Senators Wiger, Weber, and Eken introduced--

S.F. No. 4430: A bill for an act relating to natural resources; reestablishing Advisory Council on Water Supply Systems and Wastewater Treatment Facilities; appropriating money to improve drinking water infrastructure; amending Minnesota Statutes 2018, section 115.71, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 115.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senators Wiger, Weber, and Eken introduced--

S.F. No. 4431: A bill for an act relating to natural resources; appropriating money to develop statewide plan to reduce chloride contamination in waters of the state, for training to reduce chloride contamination, and for feasibility analysis of chloride alternatives and water softening changes.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senators Wiger, Weber, and Eken introduced--

S.F. No. 4432: A bill for an act relating to natural resources; appropriating money to ensure safe and sustainable drinking water for the future.

Referred to the Committee on Environment and Natural Resources Finance.

Senators Wiger, Weber, and Eken introduced--

S.F. No. 4433: A bill for an act relating to health; appropriating money for safety education program for private well owners.

Referred to the Committee on Health and Human Services Finance and Policy.

Senator Ingebrigtsen introduced--

S.F. No. 4434: A bill for an act relating to capital investment; appropriating money for predesign of a poultry processing plant and associated industrial park in Northfield; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Hoffman and Abeler introduced--

S.F. No. 4435: A bill for an act relating to capital investment; appropriating money for an interchange project on marked Trunk Highway 252 in Brooklyn Park; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Abeler and Hoffman introduced--

S.F. No. 4436: A bill for an act relating to health; authorizing food and beverage service establishments to fill consumer-owned take-home containers; permitting the use of multiuse utensils by certain food stands; proposing coding for new law in Minnesota Statutes, chapter 157.

Referred to the Committee on Health and Human Services Finance and Policy.

Senator Rosen introduced--

S.F. No. 4437: A bill for an act relating to health care; authorizing construction of or modification to a hospital in a medically underserved county outside the seven-county metropolitan area; amending Minnesota Statutes 2018, section 144.553, subdivisions 1, 2, 3; Minnesota Statutes 2019 Supplement, sections 144.551, subdivision 1; 144.552.

Referred to the Committee on Health and Human Services Finance and Policy.

Senator Rosen introduced--

S.F. No. 4438: A bill for an act relating to retirement; volunteer firefighter relief associations; authorizing relief associations to convert from a defined benefit plan to a defined contribution plan; amending Minnesota Statutes 2018, section 424B.01, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 424B.

Referred to the Committee on State Government Finance and Policy and Elections.

Senator Rosen introduced--

S.F. No. 4439: A bill for an act relating to criminal justice; providing for a planning group to decriminalize mental illness; requiring reports.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

Senator Rosen introduced--

S.F. No. 4440: A bill for an act relating to capital investment; appropriating money for wastewater, clean water, and storm water infrastructure in Vernon Center; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Rosen introduced--

S.F. No. 4441: A bill for an act relating to capital investment; appropriating money for infrastructure improvements in Waldorf; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Rosen introduced--

S.F. No. 4442: A bill for an act relating to capital investment; appropriating money for water and lighting infrastructure in Madison Lake; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Champion introduced--

S.F. No. 4443: A bill for an act relating to arts and cultural heritage; providing grant funding for African American arts and cultural programs; amending Laws 2019, First Special Session chapter 2, article 4, section 2, subdivision 8.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senators Hoffman and Abeler introduced--

S.F. No. 4444: A bill for an act relating to early childhood; governing certain programs and funding for early childhood education; appropriating money; amending Minnesota Statutes 2018, section 136A.128, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapter 119B.

Referred to the Committee on E-12 Finance and Policy.

MOTIONS AND RESOLUTIONS

Senator Weber moved that the name of Senator Draheim be added as a co-author to S.F. No. 3057. The motion prevailed.

Senator Pratt introduced --

Senate Resolution No. 217: A Senate resolution congratulating Jacob Stich for earning the rank of Eagle Scout.

Referred to the Committee on Rules and Administration.

Senator Pratt introduced --

Senate Resolution No. 218: A Senate resolution congratulating Jonny Williams for earning the rank of Eagle Scout.

Referred to the Committee on Rules and Administration.

Senator Pratt introduced --

Senate Resolution No. 219: A Senate resolution congratulating the Shakopee High School wrestling team on winning the 2020 State High School Class AAA wrestling championship.

Referred to the Committee on Rules and Administration.

Senator Pratt introduced --

Senate Resolution No. 220: A Senate resolution congratulating David Campbell for earning the rank of Eagle Scout.

Referred to the Committee on Rules and Administration.

Senator Pratt introduced --

Senate Resolution No. 221: A Senate resolution congratulating Carter Busch for earning the rank of Eagle Scout.

Referred to the Committee on Rules and Administration.

Senator Pratt introduced --

Senate Resolution No. 222: A Senate resolution congratulating Travis Haedt for earning the rank of Eagle Scout.

Referred to the Committee on Rules and Administration.

Senator Pratt introduced --

Senate Resolution No. 223: A Senate resolution congratulating Jeff Miller for earning the rank of Eagle Scout.

Referred to the Committee on Rules and Administration.

Senator Pratt introduced --

Senate Resolution No. 224: A Senate resolution congratulating Jay Follingstad for earning the rank of Eagle Scout.

Referred to the Committee on Rules and Administration.

Senators Kiffmeyer, Gazelka, Kent, Jasinski, and Nelson introduced --

Senate Resolution No. 225: A Senate resolution recognizing World Down Syndrome Day on Saturday, March 21, 2020.

Referred to the Committee on Rules and Administration.

RECESS

Senator Gazelka 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.

APPOINTMENTS

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

H.F. No. 3100: Senators Jensen, Benson, Pratt, Rosen, and Wiklund.

Senator Gazelka 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 Gazelka moved that the Committee Report at the Desk be now adopted. The motion prevailed.

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

S.F. No. 3878: A bill for an act relating to transportation; providing for deposit of certain revenues and security for certain federal loans; establishing accounts; appropriating money; amending Laws 2010, chapter 351, section 69; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2019 Supplement, section 169.86, subdivision 5, is amended to read:

Subd. 5. **Fees; proceeds deposited; appropriation.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. The fee for an annual permit that expires by law on the date of the vehicle registration expiration must be based on the proportion of the year that remains until the expiration date. ~~Unless otherwise specified,~~ All fees for permits issued by the commissioner of transportation must be deposited ~~in the state treasury and credited to the trunk highway fund~~ as provided in paragraph (i) and in section 174.525. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees are:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles that travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;

(4) special pulpwood vehicles described in section 169.863;

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width;

(6) noncommercial transportation of a boat by the owner or user of the boat; and

(7) motor vehicles carrying bales of agricultural products authorized under section 169.862.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes and manufactured storage buildings;

(4) implements of husbandry;

(5) double-deck buses;

(6) commercial boat hauling and transporting waterfront structures, including, but not limited to, portable boat docks and boat lifts; and

(7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c).

(e) For vehicles that have axle weights exceeding the weight limitations of sections 169.823 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

	Overweight Axle Group Cost Factors
Weight (pounds)	Cost Per Mile For Each Group Of:

exceeding weight limitations on axles	Two consecutive axles spaced within 8 feet or less	Three consecutive axles spaced within 9 feet or less	Four consecutive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, mobile cranes; construction equipment, machinery, and supplies; implements of husbandry; and commercial boat hauling. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001- 100,000	\$300
100,001- 110,000	\$400
110,001- 120,000	\$500
120,001- 130,000	\$600
130,001- 140,000	\$700
140,001- 145,000	\$800
145,001- 155,000	\$900

If the gross weight of the vehicle is more than 155,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) \$300 for a motor vehicle described in section 169.8261. The fee under this paragraph must be deposited as follows:

(1) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges; and

(2) all remaining money in each fiscal year must be deposited in the bridge inspection and signing account as provided under subdivision 5b.

(j) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating under authority of section 169.824, subdivision 2, clause (2).

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

Sec. 2. [174.525] TRANSPORTATION LOAN PILOT PROGRAM.

Subdivision 1. Pilot program authorized. (a) The commissioner of transportation may conduct a pilot program to apply for and receive financial assistance under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA), United States Code, title 23, chapter 6, or through other federal transportation loan, grant, or credit assistance programs. The assistance may include but is not limited to loans, loan guarantees, and lines of credit.

(b) The commissioner may enter into agreements to repay the financial assistance as provided in this section, with the approval of the commissioner of management and budget.

(c) The pilot program under this section is available for a project in Nicollet County to expand a trunk highway from two lanes to four lanes and that was the subject of an Infrastructure for Rebuilding America (INFRA) grant application submitted by the commissioner of transportation to the United States Department of Transportation on February 24, 2020.

Subd. 2. Security for federal loan agreement. A loan entered into by the commissioners of transportation and management and budget pursuant to subdivision 1 and any interest thereon shall be payable solely from and secured by the revenues appropriated and transferred to the federal transportation loan account established for this purpose in subdivision 4 and investment income thereon and any reserve established for the loan. The loan is not public debt, and the full faith, credit, and taxing powers of the state are not pledged for its payment. The loan and the interest thereon shall not be paid, directly or indirectly, in whole or in part, from a tax of statewide application on any class of property, income, transaction, or privilege.

Subd. 3. **Deposit of revenue.** (a) During any fiscal year in which a loan under this section is being applied for or is entered into and remains outstanding, the commissioner of transportation must deposit all fees collected from the permits issued under section 169.86, subdivision 5, excluding the fee under section 169.86, subdivision 5, paragraph (i), into the federal transportation loan account under subdivision 4.

(b) During any fiscal year in which paragraph (a) does not apply, the commissioner of transportation must deposit all fees collected from the permits issued under section 169.86, subdivision 5, into the trunk highway fund.

Subd. 4. **Federal transportation loan account.** (a) A federal transportation loan account is established in the special revenue fund. The account consists of revenue as provided in subdivision 3, and any other money donated, allotted, transferred, or otherwise provided to the account. The account is administered by the commissioner of management and budget.

(b) Money in the federal transportation loan account, including any investment income, is irrevocably appropriated to the commissioner of management and budget for the payment of the principal and interest on a loan authorized under this section when due, costs of issuance, any reserve, refinancing costs, and necessary administrative expenses associated with the loan. The commissioner of management and budget must consult with the commissioner of transportation regarding expenditures under this paragraph.

(c) In each fiscal year, the commissioner of management and budget must transfer money in the federal transportation loan account to the trunk highway fund if the commissioners of transportation and management and budget determine that the money is not necessary for the purposes specified in paragraph (b).

Subd. 5. **Covenants and agreements.** (a) The commissioners of transportation and management and budget may, for and on behalf of the state, enter into such covenants and agreements not inconsistent with this section as may be necessary or desirable to facilitate the execution and delivery of a loan agreement authorized under subdivision 1, on terms favorable to the state, including but not limited to covenants and agreements relating to the payment of and security for the loan agreement and disclosure of information required by the federal government and federal and state securities laws.

(b) Such covenants and agreements of the commissioners of transportation and management and budget constitute an enforceable contract of the state, and the state shall pledge and agree with the holders of any loan agreement that the state will not limit or alter the rights vested in the commissioners of transportation and management and budget to fulfill the terms of any such covenants or agreements made with the holders of the loan agreement or in any way impair the rights and remedies of the holders until the loan agreement, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The commissioners of transportation and management and budget are authorized to include this pledge and agreement of the state in any covenant or agreement with the holders of such loan agreement.

(c) Such covenants may also include covenants to seek increased fees under section 169.86, subdivision 5, so long as any loan agreement issued pursuant to this section is outstanding.

(d) A loan entered into pursuant to this section must be treated like certificates of indebtedness under sections 16A.672 and 16A.675.

Subd. 6. **Applicability.** Subdivision 3 does not apply to any permit described in section 169.86, subdivision 5, that is determined by the attorney general or a court of competent jurisdiction to be a tax, provided that nothing in section 645.44, subdivision 19, prevents a deposit under subdivision 3.

Subd. 7. **Waiver of immunity.** The waiver of immunity by the state provided for by section 3.751, subdivision 1, applies to the loan, any certificates of indebtedness, and any ancillary contracts to which the commissioners of transportation and management and budget are parties under this section.

Subd. 8. **Reports.** (a) Upon completion of the transportation project under the pilot program, the commissioner of transportation must submit a report on the pilot program to the chairs and ranking minority members of the legislative committees having jurisdiction over transportation policy and finance. At a minimum, the report must: describe the transportation project undertaken and each financing mechanism utilized; analyze the effectiveness of each financing mechanism; evaluate the costs, risks, and benefits of additional participation in federal financial assistance programs; and provide any recommendations for related legislative changes.

(b) Annually by December 1, the commissioners of transportation and management and budget must submit a report on the loan entered into pursuant to this section to the chairs and ranking minority members of the legislative committees having jurisdiction over transportation policy and finance. The report must include the following information for the previous fiscal year:

(1) the amount of funds deposited into the federal transportation loan account and the source of the funds;

(2) the amount of funds transferred to the trunk highway fund and the date of the transfer;

(3) the amount in the account at the close of the most recent fiscal year;

(4) the amount and timing of payments made on the loan entered into pursuant to this section; and

(5) the amount held in reserve in the account.

The report must also include a recommendation of the necessary reserve amount for the current fiscal year and for the next fiscal year. A report is only required under this paragraph if a loan entered into pursuant to this section was outstanding in the previous fiscal year.

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

Sec. 3. **REPEALER.**

Laws 2010, chapter 351, section 69, is repealed."

Amend the title as follows:

Page 1, line 3, delete "accounts" and insert "an account"

Amend the title numbers accordingly

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

SECOND READING OF SENATE BILLS

S.F. No. 3878 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Senator Gazelka moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 3878 and that the rules of the Senate be so far suspended as to give S.F. No. 3878, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 3878: A bill for an act relating to transportation; providing for deposit of certain revenues and security for certain federal loans; establishing an account; appropriating money; amending Minnesota Statutes 2019 Supplement, section 169.86, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Laws 2010, chapter 351, section 69.

S.F. No. 3878 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	Dibble	Hoffman	Lang	Relph
Anderson, B.	Draheim	Howe	Limmer	Rosen
Anderson, P.	Eichorn	Ingebrigtsen	Little	Ruud
Bakk	Eken	Isaacson	Marty	Senjem
Benson	Franzen	Jasinski	Mathews	Simonson
Bigham	Frentz	Jensen	Miller	Tomassoni
Chamberlain	Gazelka	Johnson	Nelson	Utke
Champion	Goggin	Kent	Newman	Weber
Cohen	Hall	Kiffmeyer	Osmek	Westrom
Cwodzinski	Hawj	Klein	Pratt	Wiger
Dahms	Hayden	Koran	Rarick	Wiklund

So the bill passed and its title was agreed to.

RECESS

Senator Gazelka 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.

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 Reports of Committees.

REPORTS OF COMMITTEES

Senator Gazelka moved that the Committee Report at the Desk be now adopted. The motion prevailed.

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

S.F. No. 4334: A bill for an act relating to public health; transferring money for deposit in the public health response contingency account.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1**PUBLIC HEALTH RESPONSE CONTINGENCY ACCOUNT**

Section 1. Minnesota Statutes 2018, section 144.4199, subdivision 1, is amended to read:

Subdivision 1. **Public health response contingency account.** A public health response contingency account is created in the special revenue fund in the state treasury. Money in the public health response contingency account does not cancel and is appropriated to the commissioner of health for the purposes specified in ~~subdivision~~ subdivisions 4 and 4a when the determination criteria in subdivision 3 and the requirements in subdivisions 5, paragraph (a), and 7, are satisfied.

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

Sec. 2. Minnesota Statutes 2018, section 144.4199, is amended by adding a subdivision to read:

Subd. 4a. Uses of funds; emergency purposes. When the criteria in subdivision 3 are satisfied and the commissioner has complied with subdivisions 5, paragraph (a), and 7, the commissioner, in consultation with entities such as hospitals, ambulance services licensed under chapter 144E, emergency management, and public health agencies, may make payments from the public health response contingency account to ambulance services licensed under chapter 144E; health care clinics; pharmacies; health care facilities and long-term care facilities, including but not limited to hospitals, nursing facilities, and settings at which assisted living services or health care services are or may be provided; and health systems, for costs that are necessary on an emergency basis to plan for, prepare for, or respond to pandemic influenza or a communicable or infectious disease. Funds paid under this subdivision must be used for the following purposes:

(1) the establishment and operation of temporary sites to provide testing services, to provide treatment beds, or to isolate or quarantine affected individuals;

- (2) temporary conversion of space for another purpose that will revert to its original use;
- (3) staff overtime and hiring additional staff;
- (4) staff training and orientation;
- (5) purchasing consumable protective or treatment supplies and equipment to protect or treat staff, visitors, and patients;
- (6) development and implementation of screening and testing procedures;
- (7) patient outreach activities;
- (8) additional emergency transportation of patients;
- (9) temporary information technology and systems costs to support patient triage, screening, and telemedicine activities;
- (10) purchasing replacement parts or filters for medical equipment that are necessary for the equipment's operation;
- (11) specialty cleaning supplies for facilities and equipment;
- (12) expenses related to the isolation or quarantine of staff. These expenses must not include payment of wages for the staff being isolated or quarantined; or
- (13) other expenses that, in the judgment of the commissioner, cannot reasonably be expected to generate income for the recipient of the funds after the outbreak ends.

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

Sec. 3. **TRANSFER; PUBLIC HEALTH RESPONSE CONTINGENCY ACCOUNT.**

The commissioner of management and budget shall make a onetime transfer in fiscal year 2020 of \$50,000,000 from the general fund to the public health response contingency account under Minnesota Statutes, section 144.4199, for the uses specified in Minnesota Statutes, section 144.4199, subdivision 4a, to plan for, prepare for, or respond to an outbreak of SARS-CoV-2 virus and coronavirus disease 2019 (COVID-19). For purposes of this transfer for the SARS-CoV-2 virus and coronavirus disease 2019 (COVID-19), the determination criteria in Minnesota Statutes, section 144.4199, subdivision 3, and the requirements in Minnesota Statutes, section 144.4199, subdivision 5, paragraph (a), and subdivision 7, do not apply.

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

ARTICLE 2

HEALTH CARE RESPONSE FUND

Section 1. **HEALTH CARE RESPONSE FUND AND PROVIDER GRANT PROGRAM.**

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

(b) "Commissioner" means the commissioner of health.

(c) "COVID-19" means SARS-CoV-2 virus and coronavirus disease 2019.

(d) "Eligible provider" means an ambulance service licensed under Minnesota Statutes, chapter 144E; health care clinic; pharmacy; health care facility or long-term care facility, including but not limited to a hospital, nursing facility, or setting where assisted living services or health care services are or may be provided; or health system.

(e) "Fund" means the health care response fund established in this section.

(f) "Isolation" has the meaning given in Minnesota Statutes, section 144.419, subdivision 1.

(g) "Quarantine" has the meaning given in Minnesota Statutes, section 144.419, subdivision 1.

Subd. 2. **Health care response fund.** (a) A health care response fund is created in the state treasury. Money in the fund is appropriated to the commissioner of health to:

(1) make grants to eligible providers for costs related to planning for, preparing for, or responding to an outbreak of COVID-19;

(2) fund the establishment and operation of temporary sites to provide testing services, to provide treatment beds, or to isolate or quarantine affected individuals, to respond to an outbreak of COVID-19; and

(3) administer the grant program under this section, including carrying out the commissioner's due diligence duties under this section.

(b) Interest earned on money in the fund is credited to the fund.

Subd. 3. **Legislative Advisory Commission review.** (a) For fiscal year 2020 and 2021, the commissioner of management and budget shall submit proposed expenditures from the health care response fund that exceed \$1,000,000 to the Legislative Advisory Commission, under Minnesota Statutes, section 3.30, subdivision 2, for its review and recommendation. The commission has two days to review the proposed expenditures submitted under this subdivision. The submission must include the total amount of the proposed expenditure, the purpose of the proposed expenditure, the time period of the proposed expenditure, and any additional information the commissioner of management and budget determines necessary to properly document the proposed expenditure.

(b) Commission members may make a positive recommendation, a negative recommendation, or no recommendation. If a majority of the commission members from the senate and a majority of the commission members of the house of representatives make a negative recommendation on a proposed expenditure, the commissioner may not expend the money. If the commission makes no recommendation, the commissioner may expend the money. Any member of the commission may request further information about a proposed expenditure.

(c) The commission may hold a public meeting to approve or disapprove a proposed expenditure from the health care response fund. Notwithstanding Minnesota Statutes, section 3.055, the commission may conduct a public meeting remotely. The commission may approve or disapprove proposed expenditures without a public meeting. The commission members may approve or

disapprove proposed expenditures by written communication to the commissioner of management and budget.

Subd. 4. **Grants.** The commissioner may make grants to eligible providers that demonstrate a need on an urgent or emergency basis to plan for, prepare for, or respond to the COVID-19 outbreak. The commissioner shall determine the number of grants issued and grant amounts. The commissioner, in consultation with entities such as hospitals; ambulance services licensed under Minnesota Statutes, chapter 144E; emergency management; and public health agencies, shall establish priorities for the issuance of grants by assessing:

(1) the needs across the health care system and within different regions of state for additional resources to plan for, prepare for, and respond to the COVID-19 outbreak;

(2) whether the eligible provider may be reimbursed from another source for the cost of planning for, preparing for, or responding to the COVID-19 outbreak; and

(3) whether the eligible provider lacks access to other resources to respond to the COVID-19 outbreak in a timely manner or would be financially at risk without a grant under this section.

Subd. 5. **Application; grant agreement.** (a) The commissioner shall develop an application form and application process for grants under this section. An applicant must provide the following information in the application:

(1) applicant financial information that reflects the current and projected financial position of the applicant;

(2) how the applicant anticipates using the grant within the allowable uses;

(3) the requested grant amount;

(4) an explanation of how the grant will allow the applicant to address shortcomings or needs in the applicant's planning, preparation for, or response to the COVID-19 outbreak; and

(5) other information deemed necessary by the commissioner to evaluate grant applications.

(b) Before issuing a grant to an applicant, the commissioner must obtain a signed grant agreement from the applicant.

Subd. 6. **Allowable uses of funds.** The commissioner may issue grants to eligible providers for costs of:

(1) the establishment and operation of temporary sites to provide testing services, to provide treatment beds, or to isolate or quarantine affected individuals;

(2) temporary conversion of space for another purpose that will revert to its original use;

(3) staff overtime and hiring additional staff;

(4) staff training and orientation;

(5) purchasing consumable protective or treatment supplies and equipment to protect or treat staff, visitors, and patients;

(6) development and implementation of screening and testing procedures;

(7) patient outreach activities;

(8) additional emergency transportation of patients;

(9) temporary information technology and systems costs to support patient triage, screening, and telemedicine activities;

(10) purchasing replacement parts or filters for medical equipment that are necessary for the equipment's operation;

(11) specialty cleaning supplies for facilities and equipment;

(12) expenses related to the isolation or quarantine of staff. These expenses must not include payment of wages for the staff being isolated or quarantined; or

(13) other expenses that, in the judgment of the commissioner, cannot reasonably be expected to generate income for the recipient of the funds after the outbreak ends.

Subd. 7. **Temporary health care sites.** (a) If no eligible provider is reasonably capable of establishing and operating temporary sites to provide testing services to test individuals for COVID-19, to provide treatment beds for patients affected by the COVID-19 outbreak, or to isolate or quarantine individuals affected by the COVID-19 outbreak, the commissioner may establish and operate these testing sites for these purposes.

(b) The commissioner may direct local units of government and eligible providers to establish and operate temporary sites for the purposes specified in paragraph (a).

(c) The commissioner may make expenditures from the fund for the establishment and operation of temporary sites for the purposes specified in paragraph (a).

Subd. 8. **Condition of accepting grant.** (a) As a condition of accepting a grant under this section to plan for, prepare for, or respond to the COVID-19 outbreak, an eligible provider must agree to the requirements in this subdivision.

(b) An eligible provider that screens or tests a patient for COVID-19 or provides health care services to a patient to treat COVID-19 must agree not to bill uninsured patients for the cost of the screening, testing, or treatment.

(c) An eligible provider that screens or tests a patient for COVID-19 or provides health care services to a patient to treat COVID-19 and does not participate in the network of the patient's health plan, must:

(1) agree to accept the median network rate as payment in full for the screening, testing, or treatment provided to the patient; and

(2) agree not to bill the patient any amount in excess of the cost-sharing that would apply if the provider was in-network, for the screening, testing, or treatment provided to the patient.

(d) This subdivision applies to screening, testing, and treatment services related to COVID-19 provided on or before February 1, 2021.

Subd. 9. **Use of funds for unauthorized purposes.** If the commissioner determines that a grant recipient has used awarded funds for purposes not authorized under this section or under the grant agreement, the commissioner may:

(1) immediately terminate all or any portion of the grant agreement;

(2) recover from the grant recipient, any money previously paid and used for the unauthorized purpose; and

(3) pursue any other remedy available under law.

Subd. 10. **Assistance from other sources.** If an eligible provider or local unit of government receives funds from a nonstate source for the cost of planning for, preparing for, or responding to the COVID-19 outbreak after receiving funds under this section for that purpose, the eligible provider or local unit of government must notify the commissioner of health of the amount received from the nonstate source. If the commissioner determines that the total amount the provider or local unit of government received under this section and from the nonstate source exceeds the provider's or local unit of government's costs to plan for, prepare for, or respond to the COVID-19 outbreak, the provider or local unit of government must pay the commissioner the amount that exceeds the costs, up to the amount of funding provided under this section. All money paid to the commissioner under this subdivision must be deposited in the general fund.

Subd. 11. **Evaluation; report.** (a) During the application process and following issuance of a grant, the commissioner may require applicants and grant recipients to provide the commissioner with information necessary for the commissioner to evaluate the need for or use of the grant.

(b) By January 15, 2021, the commissioner shall report the following information to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance:

(1) the total number of grants issued;

(2) the total amount of money issued as grants; and

(3) for each grant recipient, the name of the recipient, grant amount, uses of grant funds, and amount spent for each use.

The commissioner must also post the information specified in this paragraph on the Department of Health website.

Subd. 12. **Data classification.** The following data collected by the commissioner in connection with a grant applied for or issued pursuant to this section are private data on individuals, as defined in Minnesota Statutes, section 13.02, subdivision 12, or nonpublic data, as defined in Minnesota Statutes, section 13.02, subdivision 9:

- (1) financial information about an applicant for or recipient of a grant;
- (2) data on patients served by the applicant or recipient; and
- (3) design, market, or feasibility studies submitted to the commissioner by an applicant or recipient.

Subd. 13. **Expiration.** This section expires June 30, 2022.

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

Sec. 2. **TRANSFER; HEALTH CARE RESPONSE FUND.**

The commissioner of management and budget shall make a onetime transfer in fiscal year 2020 of \$150,000,000 from the general fund to the health care response fund under section 1, for the uses specified in section 1. Any unobligated and unexpended amount in the fund on February 1, 2021, shall transfer to the general fund.

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

ARTICLE 3

COVERAGE OF TELEMEDICINE SERVICES

Section 1. **COVERAGE OF TELEMEDICINE SERVICES PROVIDED DIRECTLY TO A PATIENT AT THE PATIENT'S RESIDENCE; RESPONSE TO COVID-19.**

(a) The definition of "originating site" under Minnesota Statutes, section 62A.671, subdivision 7, includes a patient's residence if the patient is receiving health care services or consultations by means of telemedicine.

(b) The definition of "telemedicine" under Minnesota Statutes, section 62A.671, subdivision 9, includes health care services or consultations delivered to a patient at the patient's residence.

(c) Under Minnesota Statutes, section 62A.672, subdivision 2, a health carrier shall not exclude or reduce coverage for a health care service or consultation solely because the service or consultation is provided via telemedicine directly to a patient at the patient's residence.

(d) "Telemedicine" as defined in Minnesota Statutes, section 256B.0625, subdivision 3b, paragraph (d), includes the delivery of health care services or consultations with a patient at the patient's residence and the licensed health care provider at a distant site.

(e) This section expires February 1, 2021.

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

Amend the title accordingly

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

MOTIONS AND RESOLUTIONS - CONTINUED**SUSPENSION OF RULES**

Senator Gazelka moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 4334 and that the rules of the Senate be so far suspended as to give S.F. No. 4334 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 4334 was read the second time.

S.F. No. 4334: A bill for an act relating to public health; transferring money for deposit in the public health response contingency account; establishing a health care response fund and a provider grant loan program; providing coverage of telemedicine services; amending Minnesota Statutes 2018, section 144.4199, subdivision 1, by adding a subdivision.

S.F. No. 4334 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	Dibble	Hoffman	Lang	Relph
Anderson, B.	Draheim	Howe	Limmer	Rosen
Anderson, P.	Eichorn	Ingebrigtsen	Little	Ruud
Bakk	Eken	Isaacson	Marty	Senjem
Benson	Franzen	Jasinski	Mathews	Simonson
Bigham	Frentz	Jensen	Miller	Tomassoni
Chamberlain	Gazelka	Johnson	Nelson	Utke
Champion	Goggin	Kent	Newman	Weber
Cohen	Hall	Kiffmeyer	Osmek	Westrom
Cwodzinski	Hawj	Klein	Pratt	Wiger
Dahms	Hayden	Koran	Rarick	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

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 3: A House concurrent resolution relating to adjournment of the House of Representatives and Senate until the public interest warrants it.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted March 16, 2020

House Concurrent Resolution No. 3: A House concurrent resolution relating to adjournment of the House of Representatives and Senate until the public interest warrants it.

BE IT RESOLVED, by the House of Representatives of the State of Minnesota, the Senate concurring:

1. Upon adjournment on March 16, 2020, the House of Representatives and the Senate may set the next day of meeting for 12:00 noon on April 14, 2020, or may stand adjourned until 12:00 noon on the second day after members of the House of Representatives and the Senate are notified to assemble pursuant to section 2, whichever is earlier.

2. The speaker of the House of Representatives and the majority leader of the Senate, acting jointly after providing advance notice to the minority leader of the House of Representatives and the minority leader of the Senate, shall notify the members of the House of Representatives and Senate, respectively, to reassemble whenever the public interest, in the opinion of the speaker of the House of Representatives and the majority leader of the Senate, warrants it.

3. By the adoption of this resolution, each house consents to adjournment of the other house for more than three days.

Senator Gazelka moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 3878.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned March 16, 2020

MEMBERS EXCUSED

Senators Carlson, Dziedzic, Eaton, Laine, Latz, Newton, Pappas, and Rest were excused from the Session of today. Senators Clausen, Housley, Sparks, and Torres Ray were excused from the Session of today at 1:30 a.m.

ADJOURNMENT

Pursuant to House Concurrent Resolution No. 3, Senator Gazelka moved that the Senate do now adjourn until 12:00 noon, Tuesday, April 14, 2020. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate