

## THIRTY-FOURTH DAY

St. Paul, Minnesota, Monday, March 13, 2023

The Senate met at 9:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Hans Jorgensen.

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 were present:

Abeler	Duckworth	Johnson	Mitchell	Rasmusson
Carlson	Fateh	Klein	Morrison	Rest
Champion	Frentz	Koran	Murphy	Seeberger
Coleman	Green	Kreun	Oumou Verbeten	Utke
Cwodzinski	Gruenhagen	Kunesh	Pappas	Weber
Dahms	Gustafson	Kupec	Pha	Wesenberg
Dibble	Hauschild	Limmer	Pratt	Westlin
Dornink	Hoffman	Lucero	Putnam	Wiklund
Drazkowski	Housley	Mann	Rarick	Xiong

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. 667:** A bill for an act relating to children; making changes to the Minnesota Indian Family Preservation Act; amending Minnesota Statutes 2022, sections 260.753; 260.755, subdivisions 1a, 3, 20, 22, by adding subdivisions; 260.761; 260.7611; 260.762; 260.765, subdivisions 1, 2, 3, 4, by adding subdivisions; 260.771; 260.781; 260.785, subdivision 2; 260.791; 260.795, subdivision 1; 260.805; 260.821, subdivision 2; 260.835, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 260; repealing Minnesota Statutes 2022, section 260.755, subdivision 17.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned March 9, 2023

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1104.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted March 9, 2023

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 1104:** A bill for an act relating to labor and industry; modifying employer retaliation provisions; modifying pregnancy accommodations; amending Minnesota Statutes 2022, sections 181.03, subdivision 6; 181.172; 181.932, subdivision 1; 181.939; 181.940, subdivisions 2, 3; 181.941, subdivision 3; 181.9413; 181.942; 181.9436; 181.945, subdivision 3; 181.9456, subdivision 3; 181.956, subdivision 5; 181.964.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1018, now on General Orders.

### REPORTS OF COMMITTEES

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

#### **Senator Kunesh from the Committee on Education Finance, to which was referred**

**S.F. No. 2444:** A bill for an act relating to education; requiring schools to maintain a supply of opiate antagonists; modifying provisions for opiate antagonist administration in schools; appropriating money; amending Minnesota Statutes 2022, section 151.37, subdivision 12; proposing coding for new law in Minnesota Statutes, chapter 121A.

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

Page 2, line 22, delete "grants" and insert "aid" and after the first "to" insert "reimburse"

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

#### **Senator Cwodzinski from the Committee on Education Policy, to which was referred**

**S.F. No. 1311:** A bill for an act relating to education; modifying provisions for prekindergarten through grade 12 including general education accountability and transparency, education excellence, American Indian education, charter schools, discipline, teachers, special education, and early learning; requiring reports; amending Minnesota Statutes 2022, sections 13.32, subdivision 3; 120A.22, subdivisions 7, 10; 120A.24, subdivision 1; 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4, by adding a subdivision; 120B.022, subdivision 1; 120B.024, subdivisions 1, 2; 120B.11,

subdivisions 1, 2, 3; 120B.15; 120B.30, subdivisions 1, 1a; 120B.301; 120B.35, subdivision 3; 120B.36, subdivision 2; 121A.031, subdivision 6; 121A.17, subdivision 3; 121A.41, by adding subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by adding a subdivision; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.58; 121A.61, subdivisions 1, 3, by adding a subdivision; 122A.181, subdivision 5; 122A.183, subdivision 2; 122A.185, subdivision 1; 122A.26, subdivision 2; 122A.40, subdivision 8; 122A.41, subdivision 5; 123B.147, subdivision 3; 123B.71, subdivision 12; 124D.03, subdivisions 5, 5a, 12; 124D.09, subdivisions 3, 13; 124D.111, subdivisions 2a, 5; 124D.119; 124D.128, subdivision 1; 124D.141, subdivision 2; 124D.165, subdivisions 2, 3; 124D.59, subdivision 2a; 124D.68, subdivision 3; 124D.73, by adding a subdivision; 124D.74, subdivisions 1, 3, 4, by adding a subdivision; 124D.76; 124D.78; 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81, subdivisions 1, 5; 124D.861, subdivision 2; 124D.862, subdivision 8; 124E.02; 124E.03, subdivision 2, by adding a subdivision; 124E.05, subdivisions 4, 7; 124E.06, subdivisions 1, 4, 5; 124E.10, subdivision 1; 124E.11; 124E.12, subdivision 1; 124E.13, subdivisions 1, 3; 124E.25, subdivision 1a; 125A.0942; 125A.13; 125A.15; 125A.51; 125A.515, subdivision 3; 126C.15, subdivision 5; 134.31, subdivisions 1, 4a; 134.32, subdivision 4; 134.34, subdivision 1; 144.4165; 290.0679, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 124D; repealing Minnesota Statutes 2022, sections 120B.35, subdivision 5; 124D.095, subdivisions 1, 2, 3, 4, 5, 6, 7, 8.

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

Delete everything after the enacting clause and insert:

## "ARTICLE 1

### ADMINISTRATIVE CORRECTIONS, ACCOUNTABILITY, AND TRANSPARENCY

Section 1. Minnesota Statutes 2022, section 120A.22, subdivision 10, is amended to read:

Subd. 10. **Requirements for instructors.** A person who is providing instruction to a child must meet at least one of the following requirements:

- (1) hold a valid Minnesota teaching license in the field and for the grade level taught;
- (2) be directly supervised by a person holding a valid Minnesota teaching license;
- ~~(3) successfully complete a teacher competency examination;~~
- ~~(4)~~ (3) provide instruction in a school that is accredited by an accrediting agency, recognized according to section 123B.445, or recognized by the commissioner;
- ~~(5)~~ (4) hold a baccalaureate degree; or
- ~~(6)~~ (5) be the parent of a child who is assessed according to the procedures in subdivision 11.

Any person providing instruction in a public school must meet the requirements of clause (1).

Sec. 2. Minnesota Statutes 2022, section 120B.018, subdivision 6, is amended to read:

Subd. 6. **Required standard.** "Required standard" means (1) a statewide adopted expectation for student learning in the content areas of language arts, mathematics, science, social studies, physical education, and the arts, ~~or~~ and (2) a locally adopted expectation for student learning in health ~~or the arts~~.

Sec. 3. Minnesota Statutes 2022, section 120B.021, subdivision 1, is amended to read:

Subdivision 1. **Required academic standards.** (a) The following subject areas are required for statewide accountability:

(1) language arts;

(2) mathematics, encompassing algebra II, integrated mathematics III, or an equivalent in high school, and to be prepared for the three credits of mathematics in grades 9 through 12, the grade 8 standards include completion of algebra;

(3) science;

(4) social studies, including history, geography, economics, and government and citizenship that includes civics ~~consistent with section 120B.02, subdivision 3;~~

(5) physical education;

(6) health, for which locally developed academic standards apply; and

(7) ~~the arts, for which statewide or locally developed academic standards apply, as determined by the school district.~~ Public elementary and middle schools must offer at least three and require at least two of the following ~~four~~ five arts areas: dance; media arts; music; theater; and visual arts. Public high schools must offer at least three and require at least one of the following five arts areas: media arts; dance; music; theater; and visual arts.

(b) For purposes of applicable federal law, the academic standards for language arts, mathematics, and science apply to all public school students, except the very few students with extreme cognitive or physical impairments for whom an individualized education program team has determined that the required academic standards are inappropriate. An individualized education program team that makes this determination must establish alternative standards.

(c) ~~The department must adopt the most recent SHAPE America (Society of Health and Physical Educators) kindergarten through grade 12 standards and benchmarks for physical education as the required physical education academic standards.~~ The department may modify SHAPE America (Society of Health and Physical Educators) standards and adapt the national standards to accommodate state interest. The modification and adaptations must maintain the purpose and integrity of the national standards. The department must make available sample assessments, which school districts may use as an alternative to local assessments, to assess students' mastery of the physical education standards beginning in the 2018-2019 school year.

(d) A school district may include child sexual abuse prevention instruction in a health curriculum, consistent with paragraph (a), clause (6). Child sexual abuse prevention instruction may include age-appropriate instruction on recognizing sexual abuse and assault, boundary violations, and ways

offenders groom or desensitize victims, as well as strategies to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may provide instruction under this paragraph in a variety of ways, including at an annual assembly or classroom presentation. A school district may also provide parents information on the warning signs of child sexual abuse and available resources.

(e) District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

Sec. 4. Minnesota Statutes 2022, section 120B.021, subdivision 3, is amended to read:

Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section and section 120B.022, must adopt statewide rules under section 14.389 for implementing statewide rigorous core academic standards in language arts, mathematics, science, social studies, physical education, and the arts. ~~After the rules authorized under this subdivision are initially adopted, the commissioner may not amend or repeal these rules nor adopt new rules on the same topic without specific legislative authorization.~~

Sec. 5. Minnesota Statutes 2022, section 120B.022, subdivision 1, is amended to read:

Subdivision 1. **Elective standards.** A district must establish and regularly review its own standards in for career and technical education (CTE) programs. Standards must align with CTE frameworks developed by the Department of Education, standards developed by national CTE organizations, or recognized industry standards. A district must use the current world languages standards developed by the American Council on the Teaching of Foreign Languages. A school district must offer courses in all elective subject areas.

Sec. 6. Minnesota Statutes 2022, section 120B.024, subdivision 1, is amended to read:

Subdivision 1. **Graduation requirements.** (a) Students ~~beginning 9th grade in the 2011-2012 school year and later~~ must successfully complete the following high school level credits for graduation:

(1) four credits of language arts sufficient to satisfy all of the academic standards in English language arts;

(2) three credits of mathematics, ~~including an algebra II credit or its equivalent,~~ sufficient to satisfy all of the academic standards in mathematics;

~~(3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade standards in mathematics;~~

~~(4)~~ (3) three credits of science, including at least one credit of biology, one credit of chemistry or physics, and one ~~elective~~ credit of earth and space science. The combination of credits under this clause must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics and (ii) all other academic standards in science;

~~(5)~~ (4) three and one-half credits of social studies, including one credit in civics in either 11th or 12th grade for students beginning 9th grade in the 2024-2025 school year and later, and a combination of other credits encompassing at least United States history, geography, government

and citizenship, world history, and economics sufficient to satisfy all of the academic standards in social studies;

~~(6)~~ (5) one credit of the arts sufficient to satisfy all of the ~~state or local~~ academic standards in the arts; ~~and~~

(6) credits sufficient to satisfy the state standards in physical education; and

(7) a minimum of seven elective credits.

~~(b) A school district is encouraged to offer a course for credit in government and citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year and later, that satisfies the government and citizenship requirement in paragraph (a), clause (5)~~ Students beginning 9th grade in the 2023-2024 school year and later must successfully complete a personal finance course for credit during their senior year of high school. The course must include but is not limited to the following topics: creating a household budget; taking out loans and accruing debt, including how interest works; home mortgages; how to file taxes; the impact of student loan debt; and how to read a paycheck and payroll deductions. A district may provide a personal finance course through in-person instruction, distance instruction, or a combination of in-person and distance instruction.

**EFFECTIVE DATE.** Paragraph (a) is effective for the 2024-2025 school year and later.

Sec. 7. Minnesota Statutes 2022, section 120B.024, subdivision 2, is amended to read:

Subd. 2. **Credit equivalencies.** (a) A one-half credit of economics taught in a school's ~~agriculture~~ agricultural, food, and natural resources education or business education program or department may fulfill a one-half credit in social studies under subdivision 1, clause (5), if the credit is sufficient to satisfy all of the academic standards in economics.

(b) An agriculture science or career and technical education credit may fulfill the elective science credit required under subdivision 1, clause (4), if the credit meets the state physical science, life science, earth and space science, chemistry, or physics academic standards or a combination of these academic standards as approved by the district. An agriculture or career and technical education credit may fulfill the credit in chemistry or physics required under subdivision 1, clause (4), if the credit meets the state chemistry or physics academic standards as approved by the district. A student must satisfy either all of the chemistry academic standards or all of the physics academic standards prior to graduation. An agriculture science or career and technical education credit may not fulfill the required biology credit under subdivision 1, clause (4).

(c) A career and technical education credit may fulfill a mathematics or arts credit requirement under subdivision 1, clause (2) or (6).

(d) An ~~agriculture~~ agricultural, food, and natural resources education teacher is not required to meet the requirements of Minnesota Rules, part 3505.1150, subpart ~~1~~ 2, item B, to meet the credit equivalency requirements of paragraph (b) above.

(e) A computer science credit may fulfill a mathematics credit requirement under subdivision 1, clause (2), if the credit meets state academic standards in mathematics.

(f) A Project Lead the Way credit may fulfill a science or mathematics credit requirement under subdivision 1, clause (2) or (4), if the credit meets the state academic standards in science or mathematics.

Sec. 8. Minnesota Statutes 2022, section 120B.30, subdivision 1, is amended to read:

Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, consistent with subdivision 1a, must include in the comprehensive assessment system, for each grade level to be tested, state-constructed tests developed as computer-adaptive reading and mathematics assessments for students that are aligned with the state's required academic standards under section 120B.021, include multiple choice questions, and are administered annually to all students in grades 3 through 8. State-developed high school tests aligned with the state's required academic standards under section 120B.021 and administered to all high school students in a subject other than writing must include multiple choice questions. The commissioner must establish a testing period as late as possible each school year during which schools must administer the Minnesota Comprehensive Assessments to students. The commissioner must publish the testing schedule at least two years before the beginning of the testing period.

(b) The state assessment system must be aligned to the most recent revision of academic standards as described in section 120B.023 in the following manner:

(1) mathematics;

(i) grades 3 through 8 beginning in the 2010-2011 school year; and

(ii) high school level beginning in the 2013-2014 school year;

(2) science; grades 5 and 8 and at the high school level beginning in the 2011-2012 school year; and

(3) language arts and reading; grades 3 through 8 and high school level beginning in the 2012-2013 school year.

(c) For students enrolled in grade 8 in the 2012-2013 school year and later, students' state graduation requirements, based on a longitudinal, systematic approach to student education and career planning, assessment, instructional support, and evaluation, include the following:

(1) achievement and career and college readiness in mathematics, reading, and writing, consistent with paragraph (k) and to the extent available, to monitor students' continuous development of and growth in requisite knowledge and skills; analyze students' progress and performance levels, identifying students' academic strengths and diagnosing areas where students require curriculum or instructional adjustments, targeted interventions, or remediation; and, based on analysis of students' progress and performance data, determine students' learning and instructional needs and the instructional tools and best practices that support academic rigor for the student; and

(2) consistent with this paragraph and section 120B.125, age-appropriate exploration and planning activities and career assessments to encourage students to identify personally relevant career interests

and aptitudes and help students and their families develop a regularly reexamined transition plan for postsecondary education or employment without need for postsecondary remediation.

Based on appropriate state guidelines, students with an individualized education program may satisfy state graduation requirements by achieving an individual score on the state-identified alternative assessments.

(d) Expectations of schools, districts, and the state for career or college readiness under this subdivision must be comparable in rigor, clarity of purpose, and rates of student completion.

A student under paragraph (c), clause (1), must receive targeted, relevant, academically rigorous, and resourced instruction, which may include a targeted instruction and intervention plan focused on improving the student's knowledge and skills in core subjects so that the student has a reasonable chance to succeed in a career or college without need for postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49, and related sections, an enrolling school or district must actively encourage a student in grade 11 or 12 who is identified as academically ready for a career or college to participate in courses and programs awarding college credit to high school students. Students are not required to achieve a specified score or level of proficiency on an assessment under this subdivision to graduate from high school.

(e) Though not a high school graduation requirement, students are encouraged to participate in a nationally recognized college entrance exam. To the extent state funding for college entrance exam fees is available, a district must pay the cost, one time, for an interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take a nationally recognized college entrance exam before graduating. A student must be able to take the exam under this paragraph at the student's high school during the school day and at any one of the multiple exam administrations available to students in the district. A district may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph. If the district administers only one of these two tests and a free or reduced-price meal eligible student opts not to take that test and chooses instead to take the other of the two tests, the student may take the other test at a different time or location and remains eligible for the examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school district may require a student that is not eligible for a free or reduced-price meal to pay the cost of taking a nationally recognized college entrance exam. The district must waive the cost for a student unable to pay.

(f) The commissioner and the chancellor of the Minnesota State Colleges and Universities must collaborate in aligning instruction and assessments for adult basic education students and English learners to provide the students with diagnostic information about any targeted interventions, accommodations, modifications, and supports they need so that assessments and other performance measures are accessible to them and they may seek postsecondary education or employment without need for postsecondary remediation. When administering formative or summative assessments used to measure the academic progress, including the oral academic development, of English learners and inform their instruction, schools must ensure that the assessments are accessible to the students and students have the modifications and supports they need to sufficiently understand the assessments.

(g) Districts and schools, on an annual basis, must use career exploration elements to help students, beginning no later than grade 9, and their families explore and plan for postsecondary education or careers based on the students' interests, aptitudes, and aspirations. Districts and schools



must use timely regional labor market information and partnerships, among other resources, to help students and their families successfully develop, pursue, review, and revise an individualized plan for postsecondary education or a career. This process must help increase students' engagement in and connection to school, improve students' knowledge and skills, and deepen students' understanding of career pathways as a sequence of academic and career courses that lead to an industry-recognized credential, an associate's degree, or a bachelor's degree and are available to all students, whatever their interests and career goals.

(h) A student who demonstrates attainment of required state academic standards, which include career and college readiness benchmarks, on high school assessments under subdivision 1a is academically ready for a career or college and is encouraged to participate in courses awarding college credit to high school students. Such courses and programs may include sequential courses of study within broad career areas and technical skill assessments that extend beyond course grades.

(i) As appropriate, students through grade 12 must continue to participate in targeted instruction, intervention, or remediation and be encouraged to participate in courses awarding college credit to high school students.

(j) In developing, supporting, and improving students' academic readiness for a career or college, schools, districts, and the state must have a continuum of empirically derived, clearly defined benchmarks focused on students' attainment of knowledge and skills so that students, their parents, and teachers know how well students must perform to have a reasonable chance to succeed in a career or college without need for postsecondary remediation. The commissioner, in consultation with local school officials and educators, and Minnesota's public postsecondary institutions must ensure that the foundational knowledge and skills for students' successful performance in postsecondary employment or education and an articulated series of possible targeted interventions are clearly identified and satisfy Minnesota's postsecondary admissions requirements.

(k) For students in grade 8 in the 2012-2013 school year and later, a school, district, or charter school must record on the high school transcript a student's progress toward career and college readiness, and for other students as soon as practicable.

(l) The school board granting students their diplomas may formally decide to include a notation of high achievement on the high school diplomas of those graduating seniors who, according to established school board criteria, demonstrate exemplary academic achievement during high school.

(m) The 3rd through 8th grade computer-adaptive assessment results and high school test results must be available to districts for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. The commissioner, in consultation with the chancellor of the Minnesota State Colleges and Universities, must establish empirically derived benchmarks on the high school tests that reveal a trajectory toward career and college readiness consistent with section 136F.302, subdivision 1a. The commissioner must disseminate to the public the computer-adaptive assessments and high school test results upon receiving those results.

(n) The grades 3 through 8 computer-adaptive assessments and high school tests must be aligned with state academic standards. The commissioner must determine the testing process and the order

of administration. The statewide results must be aggregated at the site and district level, consistent with subdivision 1a.

(o) The commissioner must include the following components in the statewide public reporting system:

(1) uniform statewide computer-adaptive assessments of all students in grades 3 through 8 and testing at the high school levels that provides appropriate, technically sound accommodations or alternate assessments;

(2) educational indicators that can be aggregated and compared across school districts and across time on a statewide basis, including ~~average daily attendance~~ consistent attendance, high school graduation rates, and high school drop-out rates by age and grade level;

(3) state results on the ~~American College Test~~ ACT test; and

(4) state results from participation in the National Assessment of Educational Progress so that the state can benchmark its performance against the nation and other states, and, where possible, against other countries, and contribute to the national effort to monitor achievement.

(p) For purposes of statewide accountability, "career and college ready" means a high school graduate has the knowledge, skills, and competencies to successfully pursue a career pathway, including postsecondary credit leading to a degree, diploma, certificate, or industry-recognized credential and employment. Students who are career and college ready are able to successfully complete credit-bearing coursework at a two- or four-year college or university or other credit-bearing postsecondary program without need for remediation.

(q) For purposes of statewide accountability, "cultural competence," "cultural competency," or "culturally competent" means the ability of families and educators to interact effectively with people of different cultures, native languages, and socioeconomic backgrounds.

Sec. 9. Minnesota Statutes 2022, section 120B.30, subdivision 1a, is amended to read:

Subd. 1a. **Statewide and local assessments; results.** ~~(a) For purposes of this section, the following definitions have the meanings given them:~~

~~(1) "Computer-adaptive assessments" means fully adaptive assessments.~~

~~(2) "Fully adaptive assessments" include test items that are on-grade level and items that may be above or below a student's grade level.~~

~~(3) "On-grade level" test items contain subject area content that is aligned to state academic standards for the grade level of the student taking the assessment.~~

~~(4) "Above-grade level" test items contain subject area content that is above the grade level of the student taking the assessment and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards above the grade level of the student taking the assessment. Notwithstanding the student's grade level, administering above-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.~~

~~(5) "Below-grade level" test items contain subject area content that is below the grade level of the student taking the test and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards below the student's current grade level. Notwithstanding the student's grade level, administering below-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.~~

~~(b) The commissioner must use fully adaptive mathematics and reading assessments for grades 3 through 8.~~

~~(e)~~ (a) For purposes of conforming with existing federal educational accountability requirements, the commissioner must develop and implement computer-adaptive reading and mathematics assessments for grades 3 through 8, state-developed high school reading and mathematics tests aligned with state academic standards, a high school writing test aligned with state standards when it becomes available, and science assessments under clause (2) that districts and sites must use to monitor student growth toward achieving those standards. The commissioner must not develop statewide assessments for academic standards in social studies, health and physical education, and the arts. The commissioner must require:

(1) annual computer-adaptive reading and mathematics assessments in grades 3 through 8, and high school reading, writing, and mathematics tests; and

(2) annual science assessments in one grade in the grades 3 through 5 span, the grades 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the commissioner must not require students to achieve a passing score on high school science assessments as a condition of receiving a high school diploma.

~~(d)~~ (b) The commissioner must ensure that for annual computer-adaptive assessments:

(1) individual student performance data and achievement reports are available within three school days of when students take an assessment except in a year when an assessment reflects new performance standards;

(2) growth information is available for each student from the student's first assessment to each proximate assessment using a constant measurement scale;

(3) parents, teachers, and school administrators are able to use elementary and middle school student performance data to project students' secondary and postsecondary achievement; and

(4) useful diagnostic information about areas of students' academic strengths and weaknesses is available to teachers and school administrators for improving student instruction and indicating the specific skills and concepts that should be introduced and developed for students at given performance levels, organized by strands within subject areas, and aligned to state academic standards.

~~(e)~~ (c) The commissioner must ensure that all state tests administered to elementary and secondary students measure students' academic knowledge and skills and not students' values, attitudes, and beliefs.

~~(f)~~ (d) Reporting of state assessment results must:

(1) provide timely, useful, and understandable information on the performance of individual students, schools, school districts, and the state;

(2) include a growth indicator of student achievement; and

(3) determine whether students have met the state's academic standards.

~~(g)~~ (e) Consistent with applicable federal law, the commissioner must include appropriate, technically sound accommodations or alternative assessments for the very few students with disabilities for whom statewide assessments are inappropriate and for English learners.

~~(h)~~ (f) A school, school district, and charter school must administer statewide assessments under this section, as the assessments become available, to evaluate student progress toward career and college readiness in the context of the state's academic standards. A school, school district, or charter school may use a student's performance on a statewide assessment as one of multiple criteria to determine grade promotion or retention. A school, school district, or charter school may use a high school student's performance on a statewide assessment as a percentage of the student's final grade in a course, or place a student's assessment score on the student's transcript.

Sec. 10. Minnesota Statutes 2022, section 120B.301, is amended to read:

#### **120B.301 LIMITS ON LOCAL TESTING.**

(a) For students in grades 1 through 6, the cumulative total amount of time spent taking locally adopted districtwide or schoolwide assessments must not exceed ten hours per school year. For students in grades 7 through 12, the cumulative total amount of time spent taking locally adopted districtwide or schoolwide assessments must not exceed 11 hours per school year. For purposes of this paragraph, international baccalaureate and advanced placement exams are not considered locally adopted assessments.

(b) A district or charter school is exempt from the requirements of paragraph (a), if the district or charter school, in consultation with the exclusive representative of the teachers or other teachers if there is no exclusive representative of the teachers, decides to exceed a time limit in paragraph (a) and includes the information in the report required under section 120B.11, subdivision 5.

(c) A district or charter school, ~~before the first day of each school year,~~ must publish on its website a comprehensive calendar of standardized tests to be administered in the district or charter school during that school year. The calendar must provide the rationale for administering each assessment and indicate whether the assessment is a local option or required by state or federal law. The calendar must be published at least one week prior to any eligible assessments being administered but no later than October 1.

Sec. 11. Minnesota Statutes 2022, section 120B.35, subdivision 3, is amended to read:

Subd. 3. **State growth target measures; other state measures.** (a)(1) The state's educational assessment system measuring individual students' educational growth is based on indicators of current achievement growth that show growth relative to an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments.

(2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and report separate categories of information using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and, in addition to "other" for each race and ethnicity, and the Karen community, seven of the most populous Asian and Pacific Islander groups, three of the most populous Native groups, seven of the most populous Hispanic/Latino groups, and five of the most populous Black and African Heritage groups as determined by the total Minnesota population based on the most recent American Community Survey; English learners under section 124D.59; home language; free or reduced-price lunch; and all students enrolled in a Minnesota public school who are currently or were previously in foster care, except that such disaggregation and cross tabulation is not required if the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(b) The commissioner, in consultation with a stakeholder group that includes assessment and evaluation directors, district staff, experts in culturally responsive teaching, and researchers, must implement a an appropriate growth model that compares the difference in students' achievement scores over time, and includes criteria for identifying schools and school districts that demonstrate academic progress or progress toward English language proficiency. The model may be used to advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs. Data on individual teachers generated under the model are personnel data under section 13.43. The model must allow users to:

(1) report student growth consistent with this paragraph; and

(2) for all student categories, report and compare aggregated and disaggregated state student growth and, under section 120B.11, subdivision 2, clause (2), student learning and outcome data using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and other student categories under paragraph (a), clause (2).

The commissioner must report measures of student growth and, under section 120B.11, subdivision 2, clause (2), student learning and outcome data, consistent with this paragraph, including the English language development, academic progress, and oral academic development of English learners and their native language development if the native language is used as a language of instruction, and include data on all pupils enrolled in a Minnesota public school course or program who are currently or were previously counted as an English learner under section 124D.59.

(c) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2011, must report two core measures indicating the extent to which current high school graduates are being prepared for postsecondary academic and career opportunities:

(1) a preparation measure indicating the number and percentage of high school graduates in the most recent school year who completed course work important to preparing them for postsecondary academic and career opportunities, consistent with the core academic subjects required for admission to Minnesota's public colleges and universities as determined by the Office of Higher Education under chapter 136A; and

(2) a rigorous coursework measure indicating the number and percentage of high school graduates in the most recent school year who successfully completed one or more college-level advanced

placement, international baccalaureate, postsecondary enrollment options including concurrent enrollment, other rigorous courses of study under section 120B.021, subdivision 1a, or industry certification courses or programs.

When reporting the core measures under clauses (1) and (2), the commissioner must also analyze and report separate categories of information using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and other student categories under paragraph (a), clause (2).

(d) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2014, must report summary data on school safety and students' engagement and connection at school, consistent with the student categories identified under paragraph (a), clause (2). The summary data under this paragraph are separate from and must not be used for any purpose related to measuring or evaluating the performance of classroom teachers. The commissioner, in consultation with qualified experts on student engagement and connection and classroom teachers, must identify highly reliable variables that generate summary data under this paragraph. The summary data may be used at school, district, and state levels only. Any data on individuals received, collected, or created that are used to generate the summary data under this paragraph are nonpublic data under section 13.02, subdivision 9.

(e) For purposes of statewide educational accountability, the commissioner must identify and report measures that demonstrate the success of learning year program providers under sections 123A.05 and 124D.68, among other such providers, in improving students' graduation outcomes. The commissioner, beginning July 1, 2015, must annually report summary data on:

- (1) the four- and six-year graduation rates of students under this paragraph;
- (2) the percent of students under this paragraph whose progress and performance levels are meeting career and college readiness benchmarks under section 120B.30, subdivision 1; and
- (3) the success that learning year program providers experience in:
  - (i) identifying at-risk and off-track student populations by grade;
  - (ii) providing successful prevention and intervention strategies for at-risk students;
  - (iii) providing successful recuperative and recovery or reenrollment strategies for off-track students; and
  - (iv) improving the graduation outcomes of at-risk and off-track students.

The commissioner may include in the annual report summary data on other education providers serving a majority of students eligible to participate in a learning year program.

(f) The commissioner, in consultation with recognized experts with knowledge and experience in assessing the language proficiency and academic performance of all English learners enrolled in a Minnesota public school course or program who are currently or were previously counted as an English learner under section 124D.59, must identify and report appropriate and effective measures to improve current categories of language difficulty and assessments, and monitor and report data

on students' English proficiency levels, program placement, and academic language development, including oral academic language.

(g) When reporting four- and six-year graduation rates, the commissioner or school district must disaggregate the data by student categories according to paragraph (a), clause (2).

(h) A school district must inform parents and guardians that volunteering information on student categories not required by the most recent reauthorization of the Elementary and Secondary Education Act is optional and will not violate the privacy of students or their families, parents, or guardians. The notice must state the purpose for collecting the student data.

Sec. 12. Minnesota Statutes 2022, section 120B.36, subdivision 2, is amended to read:

Subd. 2. **Student progress and other data.** (a) All data the department receives, collects, or creates under section 120B.11, governing the world's best workforce, or uses to determine federal expectations under the most recently reauthorized Elementary and Secondary Education Act, ~~set state growth targets,~~ and determine student growth, learning, and outcomes under section 120B.35 are nonpublic data under section 13.02, subdivision 9, until the commissioner publicly releases the data.

(b) Districts must provide parents sufficiently detailed summary data to permit parents to appeal under the most recently reauthorized federal Elementary and Secondary Education Act. The commissioner shall annually post federal expectations and state student growth, learning, and outcome data to the department's public website no later than September 1, except that in years when data or federal expectations reflect new performance standards, the commissioner shall post data on federal expectations and state student growth data no later than October 1.

Sec. 13. Minnesota Statutes 2022, section 123B.71, subdivision 12, is amended to read:

Subd. 12. **Publication.** (a) At least ~~20~~ 48 days but not more than 60 days before a referendum for bonds or solicitation of bids for a project that has received a positive or unfavorable review and comment under section 123B.70, the school board shall publish a summary of the commissioner's review and comment of that project in the legal newspaper of the district. The school board must hold a public meeting to discuss the commissioner's review and comment before the referendum for bonds. Supplementary information shall be available to the public.

(b) The publication requirement in paragraph (a) does not apply to alternative facilities projects approved under section 123B.595.

Sec. 14. Minnesota Statutes 2022, section 123B.86, subdivision 3, is amended to read:

Subd. 3. **Board control.** (a) When transportation is provided, the scheduling of routes, manner and method of transportation, control and discipline of school children and any other matter relating thereto shall be within the sole discretion, control and management of the board.

(b) A school board and a nonpublic school may mutually agree to a written plan for the board to provide nonpublic pupil transportation to nonpublic school students.

(1) A school board that provides pupil transportation through the school's employees may transport nonpublic school students according to the plan and retain the nonpublic pupil transportation aid attributable to that plan. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services not required under sections 123B.84 to 123B.87.

(2) A school board that contracts for pupil transportation services may enter into a contractual arrangement with a school bus contractor according to the written plan adopted by the school board and the nonpublic school to transport nonpublic school students and retain the nonpublic pupil transportation aid attributable to that plan for the purposes of paying the school bus contractor. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services included in the contract that are not required under sections 123B.84 to 123B.87.

(c) The school district must report the number of nonpublic school students transported and the nonpublic pupil transportation expenditures incurred under paragraph (b) in the form and manner specified by the commissioner.

**EFFECTIVE DATE.** This section is effective for fiscal year 2024 and later.

Sec. 15. Minnesota Statutes 2022, section 124D.03, subdivision 5, is amended to read:

Subd. 5. **Nonresident district procedures.** A district shall notify the parent or guardian in writing by February 15 or within 90 days for applications submitted after January 15 in the case of achievement and integration district transfers whether the application has been accepted or rejected. If an application is rejected, the district must state in the notification the reason for rejection. The parent or guardian must notify the nonresident district by March 1 or within ~~45~~ ten business days whether the pupil intends to enroll in the nonresident district. Notice of intent to enroll in the nonresident district obligates the pupil to attend the nonresident district during the following school year, unless the boards of the resident and the nonresident districts agree in writing to allow the pupil to transfer back to the resident district. If the pupil's parents or guardians change residence to another district, the student does not lose the seat in the nonresident district but the parent or guardian must complete an updated enrollment options form. If a parent or guardian does not notify the nonresident district by the January 15 deadline, if it applies, the pupil may not enroll in that nonresident district during the following school year, unless the boards of the resident and nonresident district agree otherwise. The nonresident district must notify the resident district by March 15 or 30 days later of the pupil's intent to enroll in the nonresident district. The same procedures apply to a pupil who applies to transfer from one participating nonresident district to another participating nonresident district.

Sec. 16. Minnesota Statutes 2022, section 124D.09, subdivision 3, is amended to read:

Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings given to them.

(a) "Eligible institution" means a Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by an accreditor recognized by the United States Department of Education, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located



in Minnesota. An eligible institution must not require a faith statement during the application process or base any part of the admission decision on a student's race, creed, ethnicity, disability, gender, or sexual orientation or religious beliefs or affiliations.

(b) "Course" means a course or program.

(c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by a secondary teacher or a postsecondary faculty member, and are offered at a high school for which the district is eligible to receive concurrent enrollment program aid under section 124D.091.

Sec. 17. Minnesota Statutes 2022, section 124D.09, subdivision 13, is amended to read:

Subd. 13. **Financial arrangements.** For a pupil enrolled in a course under this section, the department must make payments according to this subdivision for courses that were taken for secondary credit.

The department must not make payments to a school district or postsecondary institution for a course taken for postsecondary credit only. The department must not make payments to a postsecondary institution for a course from which a student officially withdraws during the first ~~14~~ ten business days of the postsecondary institution's quarter or semester or who has been absent from the postsecondary institution for the first ~~15 consecutive school~~ ten business days of the postsecondary institution's quarter or semester and is not receiving instruction in the home or hospital.

A postsecondary institution shall receive the following:

(1) for an institution granting quarter credit, the reimbursement per credit hour shall be an amount equal to 88 percent of the product of the formula allowance minus \$425, multiplied by 1.2, and divided by 45; or

(2) for an institution granting semester credit, the reimbursement per credit hour shall be an amount equal to 88 percent of the product of the general revenue formula allowance minus \$425, multiplied by 1.2, and divided by 30.

The department must pay to each postsecondary institution 100 percent of the amount in clause (1) or (2) within 45 days of receiving initial enrollment information each quarter or semester. If changes in enrollment occur during a quarter or semester, the change shall be reported by the postsecondary institution at the time the enrollment information for the succeeding quarter or semester is submitted. At any time the department notifies a postsecondary institution that an overpayment has been made, the institution shall promptly remit the amount due.

Sec. 18. Minnesota Statutes 2022, section 124D.111, subdivision 2a, is amended to read:

Subd. 2a. **Federal child and adult care food program and federal summer food service program; criteria and notice.** (a) The commissioner must post on the department's website eligibility criteria and application information for nonprofit organizations interested in applying to the commissioner for approval as a multisite sponsoring organization under the federal child and adult care food program and federal summer food service program. The posted criteria and information must inform interested nonprofit organizations about:

(1) the criteria the commissioner uses to approve or disapprove an application, including how an applicant demonstrates financial viability for the Minnesota program, among other criteria;

(2) the commissioner's process and time line for notifying an applicant when its application is approved or disapproved and, if the application is disapproved, the explanation the commissioner provides to the applicant; and

(3) any appeal or other recourse available to a disapproved applicant.

(b) The commissioner must evaluate financial eligibility as part of the application process. An organization applying to be a prospective sponsor for the federal child and adult food care program or the federal summer food service program must provide documentation of financial viability as an organization. Documentation must include:

(1) evidence that the organization has operated for at least one year and has filed at least one tax return;

(2) the most recent tax return submitted by the organization and corresponding forms and financial statements;

(3) a profit and loss statement and balance sheet or similar financial information; and

(4) evidence that at least ten percent of the organization's operating revenue comes from sources other than the United States Department of Agriculture child nutrition program and that the organization has additional funds or a performance bond available to cover at least one month of reimbursement claims.

Sec. 19. Minnesota Statutes 2022, section 124D.111, subdivision 5, is amended to read:

Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students in a respectful manner according to the policy adopted under subdivision 1. The participant must ensure that any reminders for payment of outstanding student meal balances do not demean or stigmatize any child participating in the school lunch program, including but not limited to dumping meals; withdrawing a meal that has been served; announcing or listing students' names publicly; providing alternative meals not specifically related to dietary needs; providing nonreimbursable meals; or affixing stickers, stamps, or pins. The participant must not impose any other restriction prohibited under section 123B.37 due to unpaid student meal balances. The participant must not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.

(b) If the commissioner or the commissioner's designee determines a participant has violated the requirement to provide meals to participating students in a respectful manner, the commissioner or the commissioner's designee must send a letter of noncompliance to the participant. The participant is required to respond and, if applicable, remedy the practice within 60 days.

Sec. 20. Minnesota Statutes 2022, section 124D.119, is amended to read:

**124D.119 SUMMER FOOD SERVICE ~~REPLACEMENT AID~~ PROGRAM AND CHILD AND ADULT CARE FOOD PROGRAM.**

Subdivision 1. **Summer Food Service Program replacement aid.** States State funds are available to compensate department-approved Summer Food Service Program sponsors. Reimbursement shall be made on December 15 based on total meals served by each sponsor from the end of the school year to the beginning of the next school year on a pro rata basis.

Subd. 2. **Child and Adult Care Food Program and Summer Food Service Program sponsor organizations.** Legally distinct Child and Adult Care Food Program and Summer Food Service Program sites may transfer sponsoring organizations no more than once per year, except under extenuating circumstances including termination of the sponsoring organization's agreement or other circumstances approved by the Department of Education.

Subd. 3. **Child and Adult Care Food Program and Summer Food Service Program training.** Prior to applying to sponsor a Child and Adult Care Food Program or Summer Food Service Program site, a nongovernmental organization applicant must provide documentation to the Department of Education verifying that staff members have completed program-specific training as designated by the commissioner.

Subd. 4. **Summer Food Service Program locations.** Consistent with Code of Federal Regulations, title 7, section 225.6(d)(1)(ii), the Department of Education must not approve a new Summer Food Service Program open site that is within a half-mile radius of an existing Summer Food Service Program open site. The exception is the department may approve a new Summer Food Service Program open site within a half-mile radius if the new program will not be serving the same group of children for the same meal type or if there are safety issues that could present barriers to participation.

Sec. 21. Minnesota Statutes 2022, section 124D.128, subdivision 1, is amended to read:

Subdivision 1. **Program established.** A learning year program provides instruction throughout the year on an extended year calendar, extended school day calendar, or both. ~~A pupil may participate in the program and accelerate attainment of grade level requirements or graduation requirements.~~ A learning year program may begin after the close of the regular school year in June. The program may be for students in one or more grade levels from kindergarten through grade 12.

Sec. 22. Minnesota Statutes 2022, section 124D.68, subdivision 3, is amended to read:

Subd. 3. **Eligible programs.** (a) A pupil who is eligible according to subdivision 2 may enroll in a state-approved alternative program under sections 123A.05 to 123A.08.

(b) A pupil who is eligible according to subdivision 2 and who is a high school junior or senior may enroll in postsecondary courses under section 124D.09.

(c) A pupil who is eligible under subdivision 2, may enroll in any public elementary or secondary education program.

(d) A pupil who is eligible under subdivision 2, may enroll in any nonpublic, nonsectarian school that has contracted with the serving school district to provide educational services. However,

notwithstanding other provisions of this section, only a pupil who is eligible under subdivision 2, clause (12), may enroll in a contract alternative school that is specifically structured to provide educational services to such a pupil.

(e) A pupil who is between the ages of ~~16~~ 17 and 21 may enroll in any adult basic education programs approved under section 124D.52 and operated under the community education program contained in section 124D.19.

Sec. 23. Minnesota Statutes 2022, section 124D.862, subdivision 8, is amended to read:

Subd. 8. **Commissioner authority to withhold revenue.** (a) The commissioner must review the results of each district's integration and achievement plan by August 1 at the end of the third year of implementing the plan and determine if the district met its goals.

(b) If a district met its goals, it may submit a new three-year plan to the commissioner for review.

(c) If a district has not met its goals, the commissioner must:

(1) ~~develop a guide the district in the development of an improvement plan and timeline, in consultation with the affected district,~~ that identifies strategies and practices designed to meet the district's goals under this section and section 120B.11; and

(2) use up to 20 percent of the district's integration revenue, until the district's goals are reached, to implement the improvement plan.

Sec. 24. Minnesota Statutes 2022, section 126C.15, subdivision 5, is amended to read:

Subd. 5. **Annual expenditure report.** ~~Each year a district~~ By February 1 annually, the commissioner of education must report to the legislature the expenditures of each district that receives ~~receive~~ basic skills revenue ~~must submit a report identifying the expenditures it incurred to meet the needs of eligible learners in the previous fiscal year~~ under subdivision 1. The report must conform to uniform financial and reporting standards established for this purpose and provide a breakdown by functional area. Using valid and reliable data and measurement criteria, the report also must determine whether increased expenditures raised student achievement levels.

Sec. 25. Minnesota Statutes 2022, section 127A.353, subdivision 2, is amended to read:

Subd. 2. **Qualifications.** The governor shall select the school trust lands director on the basis of outstanding professional qualifications and knowledge of finance, business practices, minerals, forest and real estate management, and the fiduciary responsibilities of a trustee to the beneficiaries of a trust. The school trust lands director serves in the unclassified service for a term of four years. ~~The first term shall end on December 31, 2020.~~ The governor may remove the school trust lands director for cause. If a director resigns or is removed for cause, the governor shall appoint a director for the remainder of the term.

Sec. 26. Minnesota Statutes 2022, section 127A.353, subdivision 4, is amended to read:

Subd. 4. **Duties; powers.** (a) The school trust lands director shall:

(1) take an oath of office before assuming any duties as the director act in a fiduciary capacity for trust beneficiaries in accordance with the principles under section 127A.351;

(2) evaluate the school trust land asset position;

(3) determine the estimated current and potential market value of school trust lands;

(4) advise and provide recommendations to the governor, Executive Council, commissioner of natural resources, and the Legislative Permanent School Fund Commission on the management of school trust lands, including: on school trust land management policies and other policies that may affect the goal of the permanent school fund under section 127A.31;

(5) advise and provide recommendations to the Executive Council and Land Exchange Board on all matters regarding school trust lands presented to either body;

(6) advise and provide recommendations to the commissioner of natural resources on managing school trust lands, including but not limited to advice and recommendations on:

(i) Department of Natural Resources school trust land management plans;

(ii) leases of school trust lands;

(iii) royalty agreements on school trust lands;

(iv) land sales and exchanges;

(v) cost certification; and

(vi) revenue generating options;

(7) serve as temporary trustee of school trust lands for school trust lands subject to proposed or active eminent domain proceedings;

(8) serve as temporary trustee of school trust lands pursuant to section 94.342, subdivision 5;

~~(5) propose~~ (9) submit to the Legislative Permanent School Fund Commission for review an annual budget and management plan for the director that includes proposed legislative changes that will improve the asset allocation of the school trust lands;

~~(6)~~ (10) develop and implement a ten-year strategic plan and a 25-year framework for management of school trust lands, in conjunction with the commissioner of natural resources, that is updated every five years and implemented by the commissioner, with goals to:

(i) retain core real estate assets;

(ii) increase the value of the real estate assets and the cash flow from those assets;

(iii) rebalance the portfolio in assets with high performance potential and the strategic disposal of selected assets;

(iv) establish priorities for management actions;

(v) balance revenue enhancement and resource stewardship; and

(vi) advance strategies on school trust lands to capitalize on ecosystem services markets; and

~~(7) submit to the Legislative Permanent School Fund Commission for review an annual budget and management plan for the director; and~~

~~(8)~~ (11) keep the beneficiaries, governor, legislature, and the public informed about the work of the director by reporting to the Legislative Permanent School Fund Commission in a public meeting at least once during each calendar quarter.

(b) In carrying out the duties under paragraph (a), the school trust lands director ~~shall have the authority to~~ may:

(1) direct and control money appropriated to the director;

(2) establish job descriptions and employ ~~up to five employees in the unclassified service;~~ staff within the limitations of money appropriated to the director;

(3) enter into interdepartmental agreements with any other state agency;

(4) enter into joint powers agreements under chapter 471;

(5) evaluate and initiate real estate development projects on school trust lands in conjunction with the commissioner of natural resources and with the advice of the Legislative Permanent School Fund Commission ~~in order~~ to generate long-term economic return to the permanent school fund; and

~~(6) serve as temporary trustee of school trust land for school trust lands subject to proposed or active eminent domain proceedings; and~~

~~(7)~~ (6) submit recommendations on strategies for school trust land leases, sales, or exchanges to the commissioner of natural resources and the Legislative Permanent School Fund Commission.

Sec. 27. Minnesota Statutes 2022, section 128C.01, subdivision 4, is amended to read:

Subd. 4. **Board.** (a) The league must have a ~~20~~ 22-member governing board.

(1) The governor must appoint four members according to section 15.0597. Each of the four appointees must be a parent. At least one of them must be an American Indian, an Asian, a Black, or a Hispanic.

(2) The Minnesota Association of Secondary School Principals must appoint two of its members.

(3) The remaining ~~14~~ 16 members must be selected according to ~~league bylaws~~ the league's constitution.

(b) The terms, compensation, removal of members, and the filling of membership vacancies are governed by section 15.0575, except that the four-year terms begin on August 1 and end on July 31. As provided by section 15.0575, members who are full-time state employees or full-time

employees of school districts or other political subdivisions of the state may not receive any per diem payment for service on the board.

Sec. 28. Minnesota Statutes 2022, section 290.0679, subdivision 2, is amended to read:

Subd. 2. **Conditions for assignment.** A qualifying taxpayer may assign all or part of an anticipated refund for the current and future taxable years to a financial institution or a qualifying organization. A financial institution or qualifying organization accepting assignment must pay the amount secured by the assignment to a third-party vendor. The commissioner of education shall, upon request from a third-party vendor, certify that the vendor's products and services qualify for the education credit. A denial of a certification is subject to the contested case procedure under may be appealed to the commissioner pursuant to this subdivision and notwithstanding chapter 14. A financial institution or qualifying organization that accepts assignments under this section must verify as part of the assignment documentation that the product or service to be provided by the third-party vendor has been certified by the commissioner of education as qualifying for the education credit. The amount assigned for the current and future taxable years may not exceed the maximum allowable education credit for the current taxable year. Both the taxpayer and spouse must consent to the assignment of a refund from a joint return.

Sec. 29. **EXPIRATION OF REPORT MANDATES.**

(a) If the submission of a report by the commissioner of education to the legislature is mandated by statute and the enabling legislation does not include a date for the submission of a final report, the mandate to submit the report shall expire in accordance with this section.

(b) If the mandate requires the submission of an annual report and the mandate was enacted before January 1, 2022, the mandate shall expire on January 1, 2024. If the mandate requires the submission of a biennial or less frequent report and the mandate was enacted before January 1, 2022, the mandate shall expire on January 1, 2025.

(c) Any reporting mandate enacted on or after January 1, 2022, shall expire three years after the date of enactment if the mandate requires the submission of an annual report and shall expire five years after the date of enactment if the mandate requires the submission of a biennial or less frequent report unless the enacting legislation provides for a different expiration date.

(d) The commissioner shall submit a list to the chairs and ranking minority members of the legislative committee with jurisdiction over education by February 15 of each year, beginning February 15, 2024, of all reports set to expire during the following calendar year in accordance with this section.

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

Sec. 30. **REVISOR INSTRUCTION.**

The revisor of statutes shall replace the terms "free lunch," "reduced price lunch," "reduced priced lunch," "reduced-price lunch," and "free or reduced price lunch" with "free meals," "reduced-price meals," and "free or reduced-price meals" wherever they appear in Minnesota Statutes when used in context with the national school lunch and breakfast programs.

Sec. 31. REVISOR INSTRUCTION.

The revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering. The revisor shall also make any technical language and other changes necessitated by the renumbering and cross-reference changes in this act.

<u>Column A</u>	<u>Column B</u>
<u>General Requirements Statewide Assessments</u>	
<u>120B.30, subdivision 1a, paragraph (h)</u>	<u>120B.30, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>
<u>120B.30, subdivision 2, paragraph (b), clauses (1) and (2)</u>	<u>120B.30, subdivision 6, paragraph (c)</u>
<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>
<u>General Requirements Test Design</u>	
<u>120B.30, subdivision 1a, paragraph (a), clauses (1) to (5)</u>	<u>120B.301, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
<u>120B.30, subdivision 1a, paragraph (c), clauses (1) and (2)</u>	<u>120B.301, subdivision 3, paragraph (d)</u>
<u>Assessment Graduation Requirements</u>	
<u>120B.30, subdivision 1, paragraph (c), clauses (1) and (2)</u>	<u>120B.304, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>
<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>
<u>Assessment Reporting Requirements</u>	
<u>120B.30, subdivision 1a, paragraph (f), clauses (1) to (3)</u>	<u>120B.305, subdivision 1</u>
<u>120B.30, subdivision 1a, paragraph (d), clauses (1) to (4)</u>	<u>120B.305, subdivision 2, paragraph (a)</u>



<u>120B.30, subdivision 1, paragraph (m)</u>	<u>120B.305, subdivision 2, paragraph (b)</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.305, subdivision 2, paragraph (c)</u>
<u>120B.30, subdivision 1, paragraph (o), clauses (1) to (4)</u>	<u>120B.305, subdivision 3, paragraph (a)</u>
<u>120B.30, subdivision 3</u>	<u>120B.305, subdivision 3, paragraph (b)</u>
<u>District Assessment Requirements</u>	
<u>120B.301, paragraphs (a) to (c)</u>	<u>120B.306, subdivision 1</u>
<u>120B.304, paragraphs (a) and (b)</u>	<u>120B.306, subdivision 2</u>
<u>College and Career Readiness</u>	
<u>120B.30, subdivision 1, paragraph (p)</u>	<u>120B.307, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.307, subdivision 2</u>
<u>120B.30, subdivision 1, paragraph (f)</u>	<u>120B.307, subdivision 3</u>
<u>120B.30, subdivision 1, paragraph (g)</u>	<u>120B.307, subdivision 4, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (h)</u>	<u>120B.307, subdivision 4, paragraph (b)</u>
<u>120B.30, subdivision 1, paragraph (j)</u>	<u>120B.307, subdivision 4, paragraph (c)</u>
<u>120B.30, subdivision 1, paragraph (k)</u>	<u>120B.307, subdivision 4, paragraph (d)</u>
<u>120B.30, subdivision 1, paragraph (l)</u>	<u>120B.307, subdivision 4, paragraph (e)</u>

Sec. 32. **REPEALER.**

Minnesota Statutes 2022, sections 120B.02, subdivision 3; and 120B.35, subdivision 5, are repealed.

## ARTICLE 2

### EDUCATION EXCELLENCE

Section 1. **[120B.025] ETHNIC STUDIES.**

"Ethnic studies" means the critical and interdisciplinary study of race, ethnicity, and indigeneity with a focus on the experiences and perspectives of people of color within and beyond the United States. Ethnic studies analyzes the ways in which race and racism have been and continue to be powerful social, cultural, and political forces, and the ways in which race and racism are connected to other axes of stratification, including stratification based on gender, disability, class, sexual orientation, gender identity, and legal status.

Sec. 2. Minnesota Statutes 2022, section 120B.15, is amended to read:

**120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

(a) School districts may identify students, locally develop programs and services addressing instructional and affective needs, provide staff development, and evaluate programs to provide gifted and talented students with challenging and appropriate educational programs and services.

(b) School districts must adopt guidelines for assessing and identifying students for participation in gifted and talented programs and services consistent with section 120B.11, subdivision 2, clause (2). The guidelines should include the use of:

(1) multiple and objective criteria; and

(2) assessments and procedures that are valid and reliable, fair, and based on current theory and research. Assessments and procedures should be sensitive to underrepresented groups, including, but not limited to, low-income, minority, twice-exceptional, and English learners.

(c) School districts must adopt procedures for the academic acceleration of gifted and talented students consistent with section 120B.11, subdivision 2, clause (2). These procedures must include how the district will:

(1) assess a student's readiness and motivation for acceleration; and

(2) match the level, complexity, and pace of the curriculum to a student to achieve the best type of academic acceleration for that student.

(d) School districts must adopt procedures consistent with section 124D.02, subdivision 1, for early admission to kindergarten or first grade of gifted and talented learners consistent with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to underrepresented groups.

### Sec. 3. [121A.0312] MALICIOUS AND SADISTIC CONDUCT.

(a) For purposes of this section, "malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

(b) A school board must adopt a written policy to address malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation, as defined in chapter 363A, and sexual exploitation by a district or school staff member, independent contractor, or student enrolled in a public or charter school against a staff member, independent contractor, or student that occurs as described in section 121A.031, subdivision 1, paragraph (a).

(c) The policy must apply to students, independent contractors, teachers, administrators, and other school personnel; must include at a minimum the components under section 121A.031, subdivision 4, paragraph (a); and must include disciplinary actions for each violation of the policy. Disciplinary actions must conform with collective bargaining agreements and sections 121A.41 to 121A.56.

(d) The policy must be conspicuously posted throughout each school building, distributed to each district employee and independent contractor at the time of hiring or contracting, and included in each school's student handbook on school policies. Each school must develop a process for discussing with students, parents of students, independent contractors, and school employees the school's policy addressing malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation, as defined in chapter 363A, and sexual exploitation.

Sec. 4. [121A.35] SUICIDE PREVENTION INFORMATION; IDENTIFICATION CARDS.

A school district or charter school that issues an identification card to students in middle school, junior high, or high school must provide contact information for the 988 Suicide and Crisis Lifeline (988 Lifeline), the Crisis Text line, and the county Mobile Crisis Services. The contact information must also be included in the school's student handbook and the student planner if a student planner is custom printed by the school for distribution to students in grades 6 through 12. A nonpublic school is encouraged to issue student identification cards consistent with this paragraph.

Sec. 5. [124D.094] ONLINE INSTRUCTION ACT.

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Blended instruction" means a form of digital instruction that occurs when a student learns part time in a supervised physical setting and part time through online instruction under paragraph (f).

(c) "Digital instruction" means instruction facilitated by technology that offers students an element of control over the time, place, path, or pace of learning and includes blended and online instruction.

(d) "Enrolling district" means the school district or charter school in which a student is enrolled under section 120A.22, subdivision 4.

(e) "Online course syllabus" means a written document that identifies the state academic standards taught and assessed in a supplemental online course under paragraph (j); course content outline; required course assessments; instructional methods; communication procedures with students, guardians, and the enrolling district under paragraph (d); and supports available to the student.

(f) "Online instruction" means a form of digital instruction that occurs when a student learns primarily through digital technology away from a supervised physical setting.

(g) "Online instructional site" means a site that offers courses using online instruction under paragraph (f) and may enroll students receiving online instruction under paragraph (f).

(h) "Online teacher" means an employee of the enrolling district under paragraph (d) or the supplemental online course provider under paragraph (k) who holds the appropriate licensure under Minnesota Rules, chapter 8710, and is trained to provide online instruction under paragraph (f).

(i) "Student" means a Minnesota resident enrolled in a school defined under section 120A.22, subdivision 4, in kindergarten through grade 12 up to the age of 21.

(j) "Supplemental online course" means an online learning course taken in place of a course provided by the student's enrolling district under paragraph (d).

(k) "Supplemental online course provider" means a school district, an intermediate school district, an organization of two or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that is authorized by the Department of Education to provide supplemental online courses under paragraph (j).

Subd. 2. **Digital instruction.** (a) An enrolling district may provide digital instruction, including blended instruction and online instruction, to the district's own enrolled students. Enrolling districts may establish agreements to provide digital instruction, including blended instruction and online instruction, to students enrolled in the cooperating schools.

(b) When online instruction is provided, an online teacher as defined under subdivision 1, paragraph (h), shall perform all duties of teacher of record under Minnesota Rules, part 8710.0310. Unless the commissioner grants a waiver, a teacher providing online instruction shall not instruct more than 40 students in any one online learning course or section.

(c) Students receiving online instruction full time shall be reported as enrolled in an online instructional site under subdivision 1, paragraph (g).

(d) Curriculum used for digital instruction shall be aligned with Minnesota's current academic standards and benchmarks.

(e) Digital instruction shall be accessible to students under section 504 of the federal Rehabilitation Act and Title II of the federal Americans with Disabilities Act.

(f) An enrolling district providing digital instruction and a supplemental online course provider shall assist an enrolled student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software so they may participate in digital instruction. Funds provided to a family to support digital instruction or supplemental online courses may only be used for qualifying expenses as determined by the provider. Nonconsumable materials purchased with public education funds remain the property of the provider. Records for any funds provided must be available for review by the public or the department.

(g) An enrolling district providing digital instruction shall establish and document procedures for determining attendance for membership and keep accurate records of daily attendance under section 120A.21.

Subd. 3. **Supplemental online courses.** (a) Notwithstanding sections 124D.03 and 124D.08 and chapter 124E, procedures for applying to take supplemental online courses other than those offered by the student's enrolling district are as provided in this subdivision.

(b) Any kindergarten through grade 12 student may apply to take a supplemental online course under subdivision 1, paragraph (j). The student, or the student's parent or guardian for a student under age 17, must submit an application for the proposed supplemental online course or courses. A student may:

(1) apply to take an online course from a supplemental online course provider that meets or exceeds the academic standards of the course in the enrolling district they are replacing;

(2) apply to take supplemental online courses for up to 50 percent of the student's scheduled course load; and

(3) apply to take supplemental online courses no later than 15 school days after the student's enrolling district's term has begun. An enrolling district may waive the 50 percent course enrollment limit or the 15-day time limit.

(c) A student taking a supplemental online course must have the same access to the computer hardware and education software available in a school as all other students in the enrolling district.

(d) A supplemental online course provider must have a current, approved application to be listed by the Department of Education as an approved provider. The supplemental online course provider must:

(1) use an application form specified by the Department of Education;

(2) notify the student, the student's guardian if they are age 17 or younger, and enrolling district of the accepted application to take a supplemental online course within ten days of receiving a completed application;

(3) notify the enrolling district of the course title, credits to be awarded, and the start date of the online course. A supplemental online course provider must make the online course syllabus available to the enrolling district;

(4) request applicable academic support information for the student, including a copy of the IEP, EL support plan, or 504 plan; and

(5) track student attendance and monitor academic progress and communicate with the student, the student's guardian if they are age 17 or younger, and the enrolling district's designated online learning liaison.

(e) A supplemental online course provider may limit enrollment if the provider's school board or board of directors adopts by resolution specific standards for accepting and rejecting students' applications. The provisions may not discriminate against any protected class or students with disabilities.

(f) A supplemental online course provider may request that the Department of Education review an enrolling district's written decision to not accept a student's supplemental online course application. The student may participate in the supplemental online course while the application is under review. Decisions shall be final and binding for both the enrolling district and the supplemental online course provider.

(g) A supplemental online course provider must participate in continuous improvement cycles with the Department of Education.

Subd. 4. **Enrolling district.** (a) An enrolling district may not restrict or prevent a student from applying to take supplemental online courses.

(b) An enrolling district may request an online course syllabus as defined under subdivision 1, paragraph (e), to review whether the academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district.

(c) Within 15 days after receiving notice of a student applying to take a supplemental online course, the enrolling district must notify the supplemental online course provider whether the student, the student's guardian, and the enrolling district agree that academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district. If the

enrolling district does not agree that the academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district, then:

(1) the enrolling district must provide a written explanation of the district's decision to the student, the student's guardian, and the supplemental online course provider; and

(2) the online provider must provide a response to the enrolling district explaining how the course or program meets the graduation requirements of the enrolling district.

(d) An enrolling district may reduce the course schedule of a student taking supplemental online courses in proportion to the number of supplemental online learning courses the student takes.

(e) An enrolling district must appoint an online learning liaison who:

(1) provides information to students and families about supplemental online courses;

(2) provides academic support information including IEPs, EL support plans, and 504 plans to supplemental online providers; and

(3) monitors attendance and academic progress, and communicates with supplemental online learning providers, students, families, and enrolling district staff.

(f) An enrolling district must continue to provide support services to students taking supplemental online courses as they would for any other enrolled student including support for English learners, case management of an individualized education program, and meal and nutrition services for eligible students.

(g) An online learning student must receive academic credit for completing the requirements of a supplemental online learning course. If a student completes an online learning course that meets or exceeds a graduation standard or the grade progression requirement at the enrolling district, that standard or requirement is met.

(h) Secondary credits granted to a supplemental online learning student count toward the graduation and credit requirements of the enrolling district. The enrolling district must apply the same graduation requirements to all students, including students taking supplemental online courses.

(i) An enrolling district must provide access to extracurricular activities for students taking supplemental online courses on the same basis as any other enrolled student.

Subd. 5. **Reporting.** Courses that include blended instruction and online instruction must be reported in the manner determined by the commissioner of education.

Subd. 6. **Department of Education.** (a) The commissioner must establish quality standards to be used for applications and continuous improvement of supplemental online course providers, and by enrolling districts using digital instruction.

(b) The commissioner must support the enrolling district's development of high-quality digital instruction and monitor implementation. The department must establish and participate in continuous improvement cycles with supplemental online course providers.

(c) Applications from prospective supplemental online course providers must be reviewed using quality standards and approved or denied within 90 calendar days of receiving a complete application.

(d) The department may collect a fee not to exceed \$250 for reviewing applications by supplemental online course providers or \$50 per supplemental course application review request. Funds generated from application review fees shall be used to support high quality digital instruction.

(e) The department must develop, publish, and maintain a list of supplemental online course providers that the department has reviewed and approved.

(f) The department may review a complaint about an enrolling district providing digital instruction, or a complaint about a supplemental online course provider based on the provider's response to notice of a violation. If the department determines that an enrolling district providing digital instruction or a supplemental online course provider violated a law or rule, the department may:

(1) create a compliance plan for the provider; or

(2) withhold funds from the provider under sections 124D.094, 124E.25, and 127A.42. The department must notify an online learning provider in writing about withholding funds and provide detailed calculations.

Subd. 7. **Financial arrangements.** (a) For a student enrolled in an online supplemental course, the department must calculate average daily membership and make payments according to this subdivision.

(b) The initial online supplemental average daily membership equals 1/12 for each semester course or a proportionate amount for courses of different lengths. The adjusted online learning average daily membership equals the initial online supplemental average daily membership times .88.

(c) No online supplemental average daily membership shall be generated if the student:

(1) does not complete the online learning course; or

(2) is enrolled in an online course provided by the enrolling district.

(d) Online course average daily membership under this subdivision for a student currently enrolled in a Minnesota public school shall be used only for computing average daily membership according to section 126C.05, subdivision 19, paragraph (a), clause (2), and for computing online course aid according to section 124D.096.

Sec. 6. Minnesota Statutes 2022, section 124D.59, subdivision 2a, is amended to read:

Subd. 2a. **English learner; limited or interrupted formal education.** Consistent with subdivision 2, an English learner ~~includes an English learner with an~~ limited or interrupted formal education is an English learner under subdivision 2 ~~who meets three of the following five requirements:~~

~~(1) comes from a home where the language usually spoken is other than English, or usually speaks a language other than English;~~

~~(2) enters school in the United States after grade 6;~~

~~(3) has at least two years less schooling than the English learner's peers;~~

~~(4) functions at least two years below expected grade level in reading and mathematics; and~~

~~(5) may be preliterate in the English learner's native language. has at least two fewer years of schooling than the English learner's peers when entering school in the United States.~~

Sec. 7. **[124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.**

A school district or charter school library or school library media center provides equitable and free access to students, teachers, and administrators.

A school library or school library media center must have the following characteristics:

(1) ensures every student has equitable access to resources and is able to locate, access, and use resources that are organized and cataloged;

(2) has a collection development plan that includes but is not limited to materials selection and deselection, a challenged materials procedure, and an intellectual and academic freedom statement;

(3) is housed in a central location that provides an environment for expanded learning and supports a variety of student interests;

(4) has technology and Internet access; and

(5) is served by a licensed school library media specialist or licensed school librarian.

Sec. 8. Minnesota Statutes 2022, section 134.31, subdivision 1, is amended to read:

Subdivision 1. **Library service.** The state shall, as an integral part of its responsibility for public education, support the provision of library service for every citizen resident, the development of cooperative programs for the sharing of resources and services among all libraries, and the establishment of jointly operated library services at a single location where appropriate.

Sec. 9. Minnesota Statutes 2022, section 134.31, subdivision 4a, is amended to read:

Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota Department of Education shall provide specialized services to people with visual and physical disabilities through the Minnesota Braille and Talking Book Library under a cooperative plan with the National Library Services Service for the Blind and Physically Handicapped Print Disabled of the Library of Congress.

Sec. 10. Minnesota Statutes 2022, section 134.32, subdivision 4, is amended to read:

Subd. 4. **Special project grants.** It may provide special project grants to assist innovative and experimental library programs including, but not limited to, special services for American Indians and the Spanish-speaking multilingual learners, delivery of library materials to homebound persons,



other extensions of library services to persons without access to libraries and projects to strengthen and improve library services.

Sec. 11. Minnesota Statutes 2022, section 134.34, subdivision 1, is amended to read:

Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall be provided to any regional public library system where there are at least three participating counties and where each participating city and county is providing for public library service support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted net tax capacity of the taxable property of that city or county, as determined by the commissioner of revenue for the second, third, and fourth year preceding that calendar year or (b) a per capita amount calculated under the provisions of this subdivision. The per capita amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the per capita amount shall be increased by a percentage equal to one-half of the percentage by which the total state adjusted net tax capacity of property as determined by the commissioner of revenue for the second year preceding that calendar year increases over that total adjusted net tax capacity for the third year preceding that calendar year.

(b) The minimum level of support specified under this subdivision or subdivision 4 shall be certified annually to the participating cities and counties by the Department of Education. If a city or county chooses to reduce its local support in accordance with subdivision 4, paragraph (b) or (c), it shall notify its regional public library system. The regional public library system shall notify the Department of Education that a revised certification is required. The revised minimum level of support shall be certified to the city or county by the Department of Education.

(c) A city which is a part of a regional public library system shall not be required to provide this level of support if the property of that city is already taxable by the county for the support of that regional public library system. In no event shall the Department of Education require any city or county to provide a higher level of support than the level of support specified in this section in order for a system to qualify for regional library basic system support aid. This section shall not be construed to prohibit a city or county from providing a higher level of support for public libraries than the level of support specified in this section.

(d) The amounts required to be expended under this section are subject to the reduced maintenance of effort requirements under section 275.761.

Sec. 12. **REPEALER.**

Minnesota Statutes 2022, section 124D.095, subdivisions 1, 2, 3, 4, 5, 6, 7, and 8, are repealed.

### ARTICLE 3

#### AMERICAN INDIAN EDUCATION

Section 1. Minnesota Statutes 2022, section 13.32, subdivision 3, is amended to read:

Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order;

(c) pursuant to a statute specifically authorizing access to the private data;

(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I), and Code of Federal Regulations, title 34, section 99.36;

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

(f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

(g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;

(h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;

(i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;

(j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;

(k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;

(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

(m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

- (1) information regarding the student alleged to have been maltreated;
- (2) information regarding student and employee witnesses;
- (3) information regarding the alleged perpetrator; and

(4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district;

(o) when the disclosure is of the final results of a disciplinary proceeding on a charge of a crime of violence or nonforcible sex offense to the extent authorized under United States Code, title 20, section 1232g(b)(6)(A) and (B), and Code of Federal Regulations, title 34, sections 99.31(a)(13) and (14);

(p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); ~~or~~

(q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20, section 1232g(i), and Code of Federal Regulations, title 34, section 99.31(a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent. The institution must notify parents and students about the purpose and availability of the information release forms. At a minimum, the institution must distribute the information release forms at parent and student orientation meetings; or

(r) with Tribal Nations about Tribally enrolled or descendant students as necessary for the Tribal Nation and school district or charter school to support the educational attainment of the student.

Sec. 2. Minnesota Statutes 2022, section 120B.021, subdivision 2, is amended to read:

Subd. 2. **Standards development.** (a) The commissioner must consider advice from at least the following stakeholders in developing statewide rigorous core academic standards in language arts, mathematics, science, social studies, including history, geography, economics, government and citizenship, and the arts:

(1) parents of school-age children and members of the public throughout the state;

(2) teachers throughout the state currently licensed and providing instruction in language arts, mathematics, science, social studies, or the arts and licensed elementary and secondary school principals throughout the state currently administering a school site;

(3) currently serving members of local school boards and charter school boards throughout the state;

(4) faculty teaching core subjects at postsecondary institutions in Minnesota; ~~and~~

(5) representatives of the Minnesota business community; and

(6) representatives from the Tribal Nations Education Committee and Minnesota's Tribal Nations and communities, including both Anishinaabe and Dakota.

(b) Academic standards must:

(1) be clear, concise, objective, measurable, and grade-level appropriate;

(2) not require a specific teaching methodology or curriculum; and

(3) be consistent with the Constitutions of the United States and the state of Minnesota.

Sec. 3. Minnesota Statutes 2022, section 120B.021, subdivision 4, is amended to read:

Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must revise ~~and appropriately embed technology and information literacy standards consistent with recommendations from school media specialists into~~ the state's academic standards and graduation requirements and implement a ten-year cycle to review and, consistent with the review, revise state academic standards and related benchmarks, consistent with this subdivision. During each ten-year review and revision cycle, the commissioner also must examine the alignment of each required academic standard and related benchmark with the knowledge and skills students need for career and college readiness and advanced work in the particular subject area. The commissioner must include the contributions of Minnesota American Indian tribes and communities, including urban Indigenous communities, as related to the academic standards during the review and revision of the required academic standards. The commissioner must embed Indigenous education for all students consistent with recommendations from Minnesota's Tribal Nations and urban Indigenous communities regarding the contributions of Minnesota American Indian Tribes and communities into the state's academic standards during the review and revision of the required academic standards. The recommendations to embed Indigenous education for all students includes but is not limited to American Indian experiences in Minnesota, including Tribal histories, Indigenous languages, sovereignty issues, cultures, treaty rights, governments, socioeconomic experiences, contemporary issues, and current events.

(b) The commissioner must ensure that the statewide mathematics assessments administered to students in grades 3 through 8 and 11 are aligned with the state academic standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b). The commissioner must implement a review of the academic standards and related benchmarks in mathematics beginning in the 2021-2022 school year and every ten years thereafter.

(c) The commissioner must implement a review of the academic standards and related benchmarks in arts beginning in the 2017-2018 school year and every ten years thereafter.

(d) The commissioner must implement a review of the academic standards and related benchmarks in science beginning in the 2018-2019 school year and every ten years thereafter.

(e) The commissioner must implement a review of the academic standards and related benchmarks in language arts beginning in the 2019-2020 school year and every ten years thereafter.

(f) The commissioner must implement a review of the academic standards and related benchmarks in social studies beginning in the 2020-2021 school year and every ten years thereafter.

(g) The commissioner must implement a review of the academic standards and related benchmarks in physical education beginning in the ~~2022-2023~~ 2026-2027 school year and every ten years thereafter.

(h) School districts and charter schools must revise and align local academic standards and high school graduation requirements in health, world languages, and career and technical education to require students to complete the revised standards beginning in a school year determined by the school district or charter school. School districts and charter schools must formally establish a periodic review cycle for the academic standards and related benchmarks in health, world languages, and career and technical education.

(i) The commissioner of education must embed technology and information literacy standards consistent with recommendations from school media specialists into the state's academic standards and graduation requirements.

(j) The commissioner of education must embed ethnic studies as related to the academic standards during the review and revision of the required academic standards.

Sec. 4. Minnesota Statutes 2022, section 120B.021, is amended by adding a subdivision to read:

Subd. 5. **Indigenous education for all students.** To support implementation of Indigenous education for all students, the commissioner must:

(1) provide historically accurate, Tribally endorsed, culturally relevant, community-based, contemporary, and developmentally appropriate resources. Resources to implement standards must include professional development and must demonstrate an awareness and understanding of the importance of accurate, high-quality materials about the histories, languages, cultures, and governments of local Tribes;

(2) provide resources to support all students learning about the histories, languages, cultures, governments, and experiences of their American Indian peers and neighbors. Resources to implement standards across content areas must be developed to authentically engage all students and support successful learning; and

(3) conduct a needs assessment by December 31, 2023. The needs assessment must fully inform the development of future resources for Indigenous education for all students by using information from Minnesota's American Indian Tribes and communities, including urban Indigenous communities, Minnesota's Tribal Nations Education Committee, schools and districts, students, and educational organizations. The commissioner must submit a report on the findings and recommendations from the needs assessment to the chairs and ranking minority members of legislative committees with jurisdiction over education; to the American Indian Tribes and communities in Minnesota, including urban Indigenous communities; and to all schools and districts in the state by February 1, 2024.

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

Sec. 5. **[121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "American Indian" means an individual who is:

(1) a member of an Indian Tribe or band, as membership is defined by the Tribe or band, including:

(i) any Tribe or band terminated since 1940; and

(ii) any Tribe or band recognized by the state in which the Tribe or band resides;

(2) a descendant, in the first or second degree, of an individual described in clause (1);

(3) considered by the Secretary of the Interior to be an Indian for any purpose;

(4) an Eskimo, Aleut, or other Alaska Native; or

(5) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding October 20, 1994.

(c) "District" means a district under section 120A.05, subdivision 8.

(d) "Mascot" means any human, nonhuman animal, or object used to represent a school and its population.

(e) "Public school" or "school" means a public school under section 120A.05, subdivisions 9, 11, 13, and 17, and a charter school under chapter 124E.

Subd. 2. **Prohibition on American Indian mascots.** (a) A public school may not have or adopt a name, symbol, or image that depicts or refers to an American Indian Tribe, individual, custom, or tradition to be used as a mascot, nickname, logo, letterhead, or team name of the district or school within the district.

(b) A public school may seek an exemption to paragraph (a) by submitting a request in writing to all eleven federally recognized Tribal Nations in Minnesota and to the Tribal Nations Education Committee. The exemption is denied if any of the eleven Tribal Nations or the Tribal Nations Education Committee opposes the exemption. A public school whose exemption is denied must comply with paragraph (a) by September 1 of the following calendar year after which the exemption request was made.

**EFFECTIVE DATE.** This section is effective June 30, 2024.

Sec. 6. Minnesota Statutes 2022, section 124D.73, is amended by adding a subdivision to read:

Subd. 5. **American Indian student.** "American Indian student" means a student who identifies as American Indian or Alaska Native, as defined by the state on October 1 of the previous school year.

Sec. 7. Minnesota Statutes 2022, section 124D.74, subdivision 1, is amended to read:

Subdivision 1. **Program described.** American Indian education programs are programs in public elementary and secondary schools, nonsectarian nonpublic, community, tribal, charter, or alternative schools enrolling American Indian children designed to:

- (1) support postsecondary preparation for American Indian pupils;
- (2) support the academic achievement of American Indian ~~students~~ pupils;
- (3) make the curriculum relevant to the needs, interests, and cultural heritage of American Indian pupils;
- (4) provide positive reinforcement of the self-image of American Indian pupils;
- (5) develop intercultural awareness among pupils, parents, and staff; and
- (6) supplement, not supplant, state and federal educational and cocurricular programs.

Program services designed to increase completion and graduation rates of American Indian students must emphasize academic achievement, retention, and attendance; development of support services for staff, including in-service training and technical assistance in methods of teaching American Indian pupils; research projects, including innovative teaching approaches and evaluation of methods of relating to American Indian pupils; provision of career counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and ~~supplemental~~ instruction in American Indian language, literature, history, and culture. Districts offering programs may make contracts for the provision of program services by establishing cooperative liaisons with tribal programs and American Indian social service agencies. These programs may also be provided as components of early childhood and family education programs.

Sec. 8. Minnesota Statutes 2022, section 124D.74, subdivision 3, is amended to read:

Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent it is economically feasible, a district or participating school may make provision for the voluntary enrollment of non-American Indian children in the instructional components of an American Indian education program in order that they may acquire an understanding of the cultural heritage of the American Indian children for whom that particular program is designed. However, in determining eligibility to participate in a program, priority must be given to American Indian children. American Indian children ~~and other children~~ enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian education programs.

Sec. 9. Minnesota Statutes 2022, section 124D.74, subdivision 4, is amended to read:

Subd. 4. **Location of programs.** American Indian education programs must be located in ~~facilities~~ educational settings in which regular classes in a variety of subjects are offered on a daily

basis. Programs may operate on an extended day or extended year basis, including school districts, charter schools, and Tribal contract schools that offer virtual learning environments.

Sec. 10. Minnesota Statutes 2022, section 124D.74, is amended by adding a subdivision to read:

**Subd. 7. American Indian culture and language classes.** Any district or participating school that conducts American Indian education programs under sections 124D.71 to 124D.82, and serves a student population of which: (1) at least five percent of the total student population meets the state definition of American Indian students; or (2) 100 or more students enrolled in the district are state-identified American Indian students must provide American Indian culture and language classes.

Sec. 11. Minnesota Statutes 2022, section 124D.76, is amended to read:

**124D.76 COMMUNITY COORDINATORS, INDIAN HOME/SCHOOL LIAISONS, AMERICAN INDIAN EDUCATION PROGRAM COORDINATORS, PARAPROFESSIONALS.**

In addition to employing American Indian language and culture education teachers, each district or participating school providing programs pursuant to sections 124D.71 to 124D.82 may employ paraprofessionals. Paraprofessionals must not be employed for the purpose of supplanting American Indian language and culture education teachers.

Any district or participating school ~~which~~ that conducts American Indian education programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time or part-time ~~community coordinators or Indian home/school liaisons if there are~~ dedicated American Indian education program coordinators in a district with 100 or more state-identified American Indian students enrolled in the district. Community coordinators shall A dedicated American Indian education program coordinator must promote communication, understanding, and cooperation between the schools and the community and ~~shall~~ must visit the homes of children who are to be enrolled in an American Indian education program in order to convey information about the program.

Sec. 12. Minnesota Statutes 2022, section 124D.78, is amended to read:

**124D.78 PARENT AND COMMUNITY PARTICIPATION.**

Subdivision 1. **Parent committee.** ~~School boards and American Indian schools~~ School districts, charter schools, Tribal contract schools, and the respective school boards must provide for the maximum involvement of parents of American Indian children enrolled in American Indian education programs, programs for elementary and secondary grades, special education programs, and support services. Accordingly, ~~the board of a school district~~ school districts, charter schools, and Tribal contract schools in which there are ten or more state-identified American Indian students enrolled and each American Indian school must establish an American Indian ~~education~~ Parent Advisory Committee. If a committee whose membership consists of a majority of parents of American Indian children has been or is established according to federal, tribal, or other state law, that committee may serve as the committee required by this section and is subject to, at least, the requirements of this subdivision and subdivision 2.



The American Indian ~~education~~ Parent Advisory Committee must develop its recommendations in consultation with the curriculum advisory committee required by section 120B.11, subdivision 3. This committee must afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of American Indian education and the educational needs of the American Indian children enrolled in the school or program. ~~The school board or American Indian school~~ School districts, charter schools, and Tribal contract schools must ensure that programs are planned, operated, and evaluated with the involvement of and in consultation with parents of the American Indian students served by the programs.

Subd. 2. ~~Resolution of concurrence~~ **Annual compliance.** ~~Prior to March 1, the school board or American Indian school must submit to the department a copy of a resolution adopted by the American Indian education parent advisory committee. The copy must be signed by the chair of the committee and must state whether the committee concurs with the educational programs for American Indian students offered by the school board or American Indian school. If the committee does not concur with the educational programs, the reasons for nonconcurrence and recommendations shall be submitted directly to the school board with the resolution. By resolution, the board must respond in writing within 60 days, in cases of nonconcurrence, to each recommendation made by the committee and state its reasons for not implementing the recommendations. American Indian Parent Advisory Committee must meet to discuss whether or not they concur with the educational offerings that have been extended by the district to American Indian students. If the committee finds that the district, charter school, Tribal contract school, and the school board have been meeting the needs of American Indian students, they issue a vote and resolution of concurrence. If they find that the needs of American Indian students are not being met, they issue a vote and resolution of nonconcurrence. The vote and resolution must be presented to the school board by one or more members of the American Indian Parent Advisory Committee. The vote is formally reflected on documentation provided by the Department of Education and must be submitted annually on March 1.~~

If the vote is one of nonconcurrence, the committee must provide written recommendations for improvement to the school board at the time of the presentation. In the case of nonconcurrence, the school board is given 60 days in which to respond, in writing, to the committee's recommendations. The board response must be signed by the entire school board and submitted to both the American Indian Parent Advisory Committee and to the Department of Education. The resolution must be accompanied by Parent Advisory Committee meeting minutes that show they have been appraised by the district on the goals of the Indian Education Program Plan and the measurement of progress toward those goals.

Subd. 3. **Membership.** ~~The American Indian education~~ Parent Advisory Committee must be composed of parents or guardians of American Indian children eligible to be enrolled in American Indian education programs; American Indian secondary students eligible to be served; American Indian family members of students eligible to be enrolled in American Indian education programs; American Indian language and culture education teachers and paraprofessionals; American Indian teachers; American Indian district employees; American Indian counselors; adult American Indian people enrolled in educational programs; and representatives from community groups. A American Indian community members. The majority of each committee must be the parents or guardians of the American Indian children enrolled or eligible to be enrolled in the programs. The number of parents of American Indian and non American Indian children shall reflect approximately the proportion of children of those groups enrolled in the programs.

Subd. 4. **Alternate committee.** If the organizational membership or the board of directors of ~~an American Indian school~~ a Tribal contract school consists of parents of children attending the school, that membership or board may serve also as the American Indian ~~education~~ Parent Advisory Committee.

Subd. 5. **State-identified American Indian.** For the purposes of sections 124D.71 to 124D.82, the number of students who identify as American Indian or Alaska Native, as defined by the state of Minnesota on October 1 of the previous school year, will be used to determine the state-identified American Indian student counts for school districts, charter schools, and Tribal contract schools for the subsequent school year.

Sec. 13. Minnesota Statutes 2022, section 124D.79, subdivision 2, is amended to read:

Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance to districts, schools and postsecondary institutions for preservice and in-service training for teachers, American Indian education teachers and paraprofessionals specifically designed to implement culturally responsive teaching methods, culturally based curriculum development, testing and testing mechanisms, ~~and~~ the development of materials for American Indian education programs, and the annual report of American Indian student data using the state count.

Sec. 14. Minnesota Statutes 2022, section 124D.791, subdivision 4, is amended to read:

Subd. 4. **Duties; powers.** The American Indian education director shall:

(1) ~~serve as the liaison for the department~~ work collaboratively and in conjunction with the Tribal Liaison, the Tribal Nations Education Committee, the 11 Tribal ~~communities~~ nations in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs Council;

(2) evaluate the state of American Indian education in Minnesota;

(3) engage the tribal bodies, community groups, parents of children eligible to be served by American Indian education programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian education programs, the tribally controlled schools, and other persons knowledgeable in the field of American Indian education and seek their advice on policies that can improve the quality of American Indian education;

(4) advise the commissioner on American Indian education issues, including:

(i) issues facing American Indian students;

(ii) policies for American Indian education;

(iii) awarding scholarships to eligible American Indian students and in administering the commissioner's duties regarding awarding of American Indian education grants to school districts; and

(iv) administration of the commissioner's duties under sections 124D.71 to 124D.82 and other programs for the education of American Indian people;

(5) propose to the commissioner legislative changes that will improve the quality of American Indian education;

(6) develop a strategic plan and a long-term framework for American Indian education, in conjunction with the Minnesota Indian Affairs Council, that is updated every five years and implemented by the commissioner, with goals to:

(i) increase American Indian student achievement, including increased levels of proficiency and growth on statewide accountability assessments;

(ii) increase the number of American Indian teachers in public schools;

(iii) close the achievement gap between American Indian students and their more advantaged peers;

(iv) increase the statewide graduation rate for American Indian students; and

(v) increase American Indian student placement in postsecondary programs and the workforce; and

(7) keep the American Indian community informed about the work of the department by reporting to the Tribal Nations Education Committee at each committee meeting.

**Sec. 15. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND OBJECTS OF CULTURAL SIGNIFICANCE.**

A school district or charter school must not prohibit an American Indian student from wearing American Indian regalia, Tribal regalia, or objects of cultural significance at a graduation ceremony.

Sec. 16. Minnesota Statutes 2022, section 124D.81, subdivision 1, is amended to read:

Subdivision 1. **Procedures.** A school district, charter school, or American Indian-controlled tribal contract or grant school enrolling at least 20 American Indian students identified by the state count on October 1 of the previous school year and operating an American Indian education program according to section 124D.74 is eligible for Indian education aid if it meets the requirements of this section. Programs may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal, charter, or alternative schools. The commissioner shall prescribe the form and manner of application for aids, and no aid shall be made for a program not complying with the requirements of sections 124D.71 to 124D.82.

Sec. 17. Minnesota Statutes 2022, section 124D.81, subdivision 5, is amended to read:

Subd. 5. **Records.** Participating schools and districts must keep records and afford access to them as the commissioner finds necessary to ensure that American Indian education programs are implemented in conformity with sections 124D.71 to 124D.82. Each school district or participating school must keep accurate, detailed, and separate revenue and expenditure accounts for ~~the~~ American Indian education programs funded under this section.

Sec. 18. Minnesota Statutes 2022, section 144.4165, is amended to read:

**144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

(a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or use an activated electronic delivery device as defined in section 609.685, subdivision 1, in a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls.

(b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices. For purposes of this section, an Indian is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12.

**ARTICLE 4****CHARTER SCHOOLS**

Section 1. Minnesota Statutes 2022, section 124E.02, is amended to read:

**124E.02 DEFINITIONS.**

(a) For purposes of this chapter, the terms defined in this section have the meanings given them.

(b) "Affidavit" means a written statement the authorizer submits to the commissioner for approval to establish a charter school under section 124E.06, subdivision 4, attesting to its review and approval process before chartering a school.

(c) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person.

(d) "Charter management organization" or "CMO" means any nonprofit or for-profit entity that contracts with a charter school board of directors to provide, manage, or oversee all or substantially all of a school's education program or a school's administrative, financial, business, or operational functions.

~~(d)~~ (e) "Control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether by owning voting securities, by contract, or otherwise.

(f) "Educational management organization" or "EMO" means a nonprofit or for-profit entity that provides, manages, or oversees all or substantially all of the education program, or the school's administrative, financial, business, or operational functions.

~~(e)~~ (g) "Immediate family" means an individual whose relationship by blood, marriage, adoption, or partnership is no more remote than first cousin.

(h) "Market need and demand study" means a study that includes the following for the proposed locations of the school or additional site:

(1) current and projected demographic information;

- (2) student enrollment patterns;
- (3) information on existing schools and types of educational programs currently available;
- (4) characteristics of proposed students and families;
- (5) availability of properly zoned and classified facilities; and
- (6) quantification of existing demand for the school or site.

~~(f)~~ (i) "Person" means an individual or entity of any kind.

~~(g)~~ (j) "Related party" means an affiliate or immediate relative of the other interested party, an affiliate of an immediate relative who is the other interested party, or an immediate relative of an affiliate who is the other interested party.

~~(h)~~ (k) For purposes of this chapter, the terms defined in section 120A.05 have the same meanings.

Sec. 2. Minnesota Statutes 2022, section 124E.03, subdivision 2, is amended to read:

Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.

(b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.

(c) A charter school must comply with the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(d) A charter school is a district for the purposes of tort liability under chapter 466.

(e) A charter school must comply with the Pledge of Allegiance requirement under section 121A.11, subdivision 3.

(f) A charter school and charter school board of directors must comply with chapter 181 governing requirements for employment.

(g) A charter school must comply with continuing truant notification under section 260A.03.

(h) A charter school must develop and implement a teacher evaluation and peer review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d). The teacher evaluation process in this paragraph does not create any additional employment rights for teachers.

(i) A charter school must adopt a policy, plan, budget, and process, consistent with section 120B.11, to review curriculum, instruction, and student achievement and strive for the world's best workforce.

(j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56 and 121A.575.

Sec. 3. Minnesota Statutes 2022, section 124E.03, is amended by adding a subdivision to read:

Subd. 9. **English learners.** A charter school is subject to and must comply with the Education for English Learners Act under sections 124D.58 to 124D.64 as though the charter school were a district.

Sec. 4. Minnesota Statutes 2022, section 124E.05, subdivision 4, is amended to read:

Subd. 4. **Application content.** (a) To be approved as an authorizer, an applicant must include in its application to the commissioner at least the following:

(1) how the organization carries out its mission by chartering schools;

(2) a description of the capacity of the organization to serve as an authorizer, including the positions allocated to authorizing duties, the qualifications for those positions, the full-time equivalencies of those positions, and the financial resources available to fund the positions;

(3) the application and review process the authorizer uses to decide whether to grant charters;

(4) the type of contract it arranges with the schools it charters to meet the provisions of section 124E.10;

(5) the process for overseeing the school, consistent with clause (4), to ensure that the schools chartered comply with applicable law and rules and the contract;

(6) the criteria and process the authorizer uses to approve applications adding grades or sites under section 124E.06, subdivision 5;

(7) the process for renewing or terminating the school's charter based on evidence showing the academic, organizational, and financial competency of the school, including its success in increasing student achievement and meeting the goals of the charter school agreement; and

(8) an assurance specifying that the organization is committed to serving as an authorizer for the full five-year term until the commissioner terminates the organization's ability to authorize charter schools under subdivision 6 or the organization formally withdraws as an approved authorizer under subdivision 7.

(b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict of interest between an authorizer and its charter schools or ongoing evaluation or continuing education of an administrator or other professional support staff by submitting to the commissioner a written promise to comply with the requirements.

Sec. 5. Minnesota Statutes 2022, section 124E.05, subdivision 7, is amended to read:

Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw as an approved authorizer for a reason unrelated to any cause under ~~section 124E.10, subdivision 4~~ subdivision 6, the authorizer must notify all its chartered schools and the commissioner in writing by March 1 of its intent to withdraw as an authorizer on June 30 in the next calendar year, ~~regardless of when the authorizer's five-year term of approval ends.~~ Upon notification of the schools and

commissioner, the authorizer must provide a letter to the school for distribution to families of students enrolled in the school that explains the decision to withdraw as an authorizer. The commissioner may approve the transfer of a charter school to a new authorizer under section 124E.10, subdivision 5.

Sec. 6. Minnesota Statutes 2022, section 124E.06, subdivision 1, is amended to read:

Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an application from a charter school developer, may charter either a licensed teacher under section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed teachers under section 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the authorizer's affidavit under subdivision 4.

(b) "Application" under this section means the charter school business plan a charter school developer submits to an authorizer for approval to establish a charter school. This application must include:

(1) the school developer's proposed school's:

(i) mission statement and vision statements;

(ii) school purposes and goals;

(iii) educational program design and how the program will improve student learning, success, and achievement;

(iv) plan to address the social and emotional learning needs of students and student support services;

(v) plan to provide special education management and services;

(vi) plan for staffing the school with appropriately qualified and licensed personnel;

~~(iv)~~ (vii) financial plan;

~~(v)~~ (viii) governance and management structure and plan; and

~~(vi)~~ background and experience;

(ix) market need and demand study; and

(x) plan for ongoing outreach and dissemination of information about the school's offerings and enrollment procedure to families that reflect the diversity of Minnesota's population and targeted groups under section 124E.17, subdivision 1, paragraph (a);

(2) the school developer's experience and background, including criminal history and bankruptcy background checks;

~~(2)~~ (3) any other information the authorizer requests; and

~~(3)~~ (4) a "statement of assurances" of legal compliance prescribed by the commissioner.

(c) An authorizer shall not approve an application submitted by a charter school developer under paragraph (a) if the application does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit submitted by an authorizer under subdivision 4 if the affidavit does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

Sec. 7. Minnesota Statutes 2022, section 124E.06, subdivision 4, is amended to read:

Subd. 4. **Authorizer's affidavit; approval process.** (a) Before an operator may establish and operate a school, the authorizer must file an affidavit with the commissioner stating its intent to charter a school. An authorizer must file a separate affidavit for each school it intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of the year the new charter school plans to serve students. The affidavit must state:

(1) the terms and conditions under which the authorizer would charter a school, including a market need and demand study; and

(2) how the authorizer intends to oversee:

(i) the fiscal and student performance of the charter school; and

(ii) compliance with the terms of the written contract between the authorizer and the charter school board of directors under section 124E.10, subdivision 1.

(b) The commissioner must approve or disapprove the authorizer's affidavit within 60 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer then has 20 business days to address the deficiencies. The commissioner must notify the authorizer of the commissioner's final approval or final disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer does not address deficiencies to the commissioner's satisfaction, the commissioner's disapproval is final. An authorizer who fails to obtain the commissioner's approval is precluded from chartering the school that is the subject of this affidavit.

Sec. 8. Minnesota Statutes 2022, section 124E.06, subdivision 5, is amended to read:

Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to amend the school charter to add grades or primary enrollment sites beyond those defined in the original affidavit approved by the commissioner. After approving the school's application, the authorizer shall submit a supplemental affidavit in the form and manner prescribed by the commissioner. The authorizer must file a supplemental affidavit to the commissioner by October 1 to be eligible to add grades or sites in the next school year. The supplemental affidavit must document to the authorizer's satisfaction:

(1) the need for the additional grades or sites with supporting long-range enrollment projections;

(2) a longitudinal record of student academic performance and growth on statewide assessments under chapter 120B or on other academic assessments that measure longitudinal student performance and growth approved by the charter school's board of directors and agreed upon with the authorizer;



(3) a history of sound school finances and a plan to add grades or sites that sustains the school's finances; ~~and~~

(4) board capacity to administer and manage the additional grades or sites; and

(5) for site expansion, a market need and demand study.

(b) The commissioner shall have 30 business days to review and comment on the supplemental affidavit. The commissioner shall notify the authorizer in writing of any deficiencies in the supplemental affidavit and the authorizer then has 20 business days to address any deficiencies in the supplemental affidavit to the commissioner's satisfaction. The commissioner must notify the authorizer of final approval or final disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. The school may not add grades or sites until the commissioner has approved the supplemental affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

Sec. 9. Minnesota Statutes 2022, section 124E.10, subdivision 1, is amended to read:

Subdivision 1. **Contents.** (a) To authorize a charter school, the authorizer and the charter school board of directors must sign a written contract within 45 business days of the commissioner's approval of the authorizer's affidavit. The authorizer shall submit a copy of the charter contract to the commissioner within ten business days after the contract is signed by the contracting parties. The contract must include at least the following:

(1) a declaration that the charter school will carry out the primary purpose in section 124E.01, subdivision 1, and indicate how the school will report its implementation of the primary purpose to its authorizer;

(2) a declaration of the additional purpose or purposes in section 124E.01, subdivision 1, that the school intends to carry out and indicate how the school will report its implementation of those purposes to its authorizer;

(3) a description of the school program and the specific academic and nonacademic outcomes that pupils must achieve;

(4) a statement of the school's admission policies and procedures;

(5) a school governance, management, and administration plan;

(6) signed agreements from charter school board members to comply with the federal and state laws governing organizational, programmatic, and financial requirements applicable to charter schools;

(7) the criteria, processes, and procedures the authorizer will use to monitor and evaluate the fiscal, operational, and academic performance, consistent with subdivision 3, paragraphs (a) and (b);

(8) for contract renewal, the formal written performance evaluation that is a prerequisite for reviewing a charter contract under subdivision 3;

(9) types and amounts of insurance liability coverage the charter school must obtain, consistent with section 124E.03, subdivision 2, paragraph (d);

(10) consistent with section 124E.09, paragraph (d), a provision to indemnify and hold harmless from any suit, claim, or liability arising from any charter school operation:

(i) the authorizer and its officers, agents, and employees; and

(ii) notwithstanding section 3.736, the commissioner and department officers, agents, and employees;

(11) the term of the contract, which, for an initial contract, may be up to five years plus a preoperational planning period, or for a renewed contract or a contract with a new authorizer after a transfer of authorizers, may be up to five years, if warranted by the school's academic, financial, and operational performance;

(12) how the charter school board of directors or the charter school operators will provide special instruction and services for children with a disability under sections 125A.03 to 125A.24, and 125A.65, and a description of the financial parameters within which the charter school will provide the special instruction and services to children with a disability;

(13) the specific conditions for contract renewal that identify the performance of all students under the primary purpose of section 124E.01, subdivision 1, as the most important factor in determining whether to renew the contract; and

(14) the additional purposes under section 124E.01, subdivision 1, and related performance obligations under clause (7) contained in the charter contract as additional factors in determining whether to renew the contract.

(b) In addition to the requirements of paragraph (a), the charter contract must contain the plan for an orderly closing of the school under chapter 317A, that establishes the responsibilities of the school board of directors and the authorizer, whether the closure is a termination for cause, a voluntary termination, or a nonrenewal of the contract. The plan must establish who is responsible for:

(1) notifying the commissioner, school district in which the charter school is located, and parents of enrolled students about the closure;

(2) providing parents of enrolled students information and assistance to enable the student to re-enroll in another school;

(3) transferring student records under section 124E.03, subdivision 5, paragraph (b), to the student's resident school district; and

(4) closing financial operations.

(c) A charter school must design its programs to at least meet the outcomes adopted by the commissioner for public school students, including world's best workforce goals under section 120B.11, subdivision 1. In the absence of the commissioner's requirements governing state standards and benchmarks, the school must meet the outcomes contained in the contract with the authorizer.

The achievement levels of the outcomes contained in the contract may exceed the achievement levels of any outcomes adopted by the commissioner for public school students.

Sec. 10. Minnesota Statutes 2022, section 124E.11, is amended to read:

**124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

(a) A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

(1) pupils within an age group or grade level;

(2) pupils who are eligible to participate in the graduation incentives program under section 124D.68; or

(3) residents of a specific geographic area in which the school is located when the majority of students served by the school are members of underserved populations.

(b) A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), ~~shall~~ must enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils must be accepted by lot. The charter school must develop and publish, including on its website, a lottery policy and process that it must use when accepting pupils by lot.

(c) Admission to a charter school must be free to any eligible pupil who resides within the state of Minnesota. A charter school must give enrollment preference to a Minnesota resident pupil over out-of-state residents. A charter school shall must give enrollment preference to a sibling of an enrolled pupil and to a foster child of that pupil's parents and may give preference for enrolling children of the school's staff before accepting other pupils by lot. A charter school that is located in Duluth township in St. Louis County and admits students in kindergarten through grade 6 must give enrollment preference to students residing within a five-mile radius of the school and to the siblings of enrolled children. A charter school may give enrollment preference to children currently enrolled in the school's free preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten in the next school year.

(d) A person ~~shall~~ may not be admitted to a charter school (1) as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil is at least six years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences or has completed kindergarten; except that a charter school may establish and publish on its website a policy for admission of selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).

(e) Except as permitted in ~~paragraph (d)~~ paragraphs (d) and (i), a charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and may not establish any criteria or requirements for admission that are inconsistent with this section.

(f) The charter school ~~shall~~ must not distribute any services or goods of value to students, parents, or guardians as an inducement, term, or condition of enrolling a student in a charter school.

(g) Once a student is enrolled in the school, the student is considered enrolled in the school until the student formally withdraws or is expelled under the Pupil Fair Dismissal Act in sections 121A.40 to 121A.56, except that: (1) a pupil currently enrolled in the school's fee-based preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (b), who is eligible to enroll in kindergarten in the next school year must apply to and be admitted into kindergarten according to the provisions of this section; and (2) out-of-state residents must annually apply to and be admitted by the school according to the provisions of this section.

(h) A charter school with at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf or hard-of-hearing may enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1, ~~paragraph (a), and~~. The charter school must comply with the federal Individuals with Disabilities Education Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause (iv), or for a prekindergarten pupil under the age of three, the charter school must have a plan approved by the commissioner to provide early learning services consistent with sections 125A.259 to 125A.48.

(i) A charter school serving at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing may give enrollment preference to students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing. The charter school may not limit admission based on the student's eligibility for additional special education services.

Sec. 11. Minnesota Statutes 2022, section 124E.12, subdivision 1, is amended to read:

Subdivision 1. **Teachers.** A charter school, excluding its preschool or prekindergarten program established under section 124E.06, subdivision 3, must employ or contract with necessary teachers, as defined by section ~~122A.15, subdivision 1,~~ 122A.06, subdivision 2, or contract with a cooperative formed under chapter 308A to provide necessary teachers, who hold valid licenses to perform the particular service for which they are employed in the school. A charter school's preschool or prekindergarten program must employ or contract with teachers knowledgeable in early childhood curriculum content, assessment, native and English language programs, and instruction established under section 124E.06, subdivision 3. The commissioner may reduce the charter school's state aid under section 127A.43 if the school employs a teacher who is not appropriately licensed or approved by the Professional Educator Licensing and Standards Board. The school may employ necessary employees who are not required to hold teaching licenses to perform duties other than teaching and may contract for other services. The school may discharge teachers and nonlicensed employees. The charter school board is subject to section 181.932 governing whistle-blowers. When offering employment to a prospective employee, a charter school must give that employee a written description of the terms and conditions of employment and the school's personnel policies.

Sec. 12. Minnesota Statutes 2022, section 124E.13, subdivision 1, is amended to read:

Subdivision 1. **Leased space.** A charter school may lease space from: an independent or special school board; other public organization; private, nonprofit, nonsectarian organization; private property owner; or a sectarian organization if the leased space is constructed as a school facility. In all cases,

the eligible lessor must also be the building owner. The commissioner must review and approve or disapprove leases in a timely manner to determine eligibility for lease aid under section 124E.22.

Sec. 13. Minnesota Statutes 2022, section 124E.13, subdivision 3, is amended to read:

Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building corporation may purchase, expand, or renovate an existing facility to serve as a school or may construct a new school facility. A One charter school may organize an affiliated nonprofit building corporation that serves only that charter school if the charter school:

(1) has operated for at least six consecutive years;

(2) as of June 30, has a net positive unreserved general fund balance in the preceding three fiscal years;

(3) has long-range strategic and financial plans that include enrollment projections for at least five years;

(4) completes a feasibility study of facility options that outlines the benefits and costs of each option; and

(5) has a plan that describes project parameters and budget.

(b) An affiliated nonprofit building corporation under this subdivision must:

(1) be incorporated under section 317A;

(2) comply with applicable Internal Revenue Service regulations, including regulations for "supporting organizations" as defined by the Internal Revenue Service;

(3) post on the school website the name, mailing address, bylaws, minutes of board meetings, and names of the current board of directors of the affiliated nonprofit building corporation;

(4) submit to the commissioner a copy of its annual audit by December 31 of each year; and

(5) comply with government data practices law under chapter 13.

(c) An affiliated nonprofit building corporation must not serve as the leasing agent for property or facilities it does not own. A charter school that leases a facility from an affiliated nonprofit building corporation that does not own the leased facility is ineligible to receive charter school lease aid. The state is immune from liability resulting from a contract between a charter school and an affiliated nonprofit building corporation.

(d) The board of directors of the charter school must ensure the affiliated nonprofit building corporation complies with all applicable legal requirements. The charter school's authorizer must oversee the efforts of the board of directors of the charter school to ensure legal compliance of the affiliated building corporation. A school's board of directors that fails to ensure the affiliated nonprofit building corporation's compliance violates its responsibilities and an authorizer must consider that failure when evaluating the charter school.

Sec. 14. Minnesota Statutes 2022, section 124E.16, is amended to read:

**124E.16 REPORTS.**

Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district, except as required under this subdivision. Audits must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing auditing procedures. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing municipal contracting. The audit must comply with the requirements of sections 123B.75 to 123B.83 governing school district finance, except when the commissioner and authorizer approve a deviation made necessary because of school program finances. The commissioner, state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(b) The charter school must submit an audit report to the commissioner and its authorizer annually by December 31.

(c) The charter school, with the assistance of the auditor conducting the audit, must include with the report, as supplemental information: (1) a copy of a new management agreements agreement or an amendment to a current agreement with a charter management organization or an educational management organization and (2) service agreements or contracts over the lesser of \$100,000 or ten percent of the school's most recent annual audited expenditures CMO or EMO signed during the audit year; and (2) a copy of a service agreement or contract with a company or individual totaling over five percent of the audited expenditures for the most recent audit year. The agreements must detail the terms of the agreement, including the services provided and the annual costs for those services. ~~If the entity that provides the professional services to the charter school is exempt from taxation under section 501 of the Internal Revenue Code of 1986, that entity must file with the commissioner by February 15 a copy of the annual return required under section 6033 of the Internal Revenue Code of 1986.~~

(d) A charter school independent audit report shall include audited financial data of an affiliated building corporation under section 124E.13, subdivision 3, or other component unit.

(e) If the audit report finds that a material weakness exists in the financial reporting systems of a charter school, the charter school must submit a written report to the commissioner explaining how the charter school will resolve that material weakness. An auditor, as a condition of providing financial services to a charter school, must agree to make available information about a charter school's financial audit to the commissioner and authorizer upon request.

Subd. 2. **Annual public reports.** (a) A charter school must publish an annual report approved by the board of directors. The annual report must at least include information on school enrollment, student attrition, governance and management, staffing, finances, management agreements with a CMO or EMO, academic performance, innovative practices and implementation, and future plans. A charter school may combine this report with the reporting required under section 120B.11 governing the world's best workforce. A charter school must post the annual report on the school's official

website. A charter school also must distribute the annual report by publication, mail, or electronic means to its authorizer, school employees, and parents and legal guardians of students enrolled in the charter school. The reports are public data under chapter 13.

(b) An authorizer must submit an annual public report in a manner specified by the commissioner by January 15 for the previous school year ending June 30 that shall at least include key indicators of school academic, operational, and financial performance. The report is part of the system to evaluate authorizer performance under section 124E.05, subdivision 5.

**Subd. 3. Public accounting and reporting CMO and EMO agreements.** (a) A charter school that enters into a management agreement with a CMO or EMO must:

(1) publish on its website for at least 20 business days the proposed final agreement for public review and comment before the school board may adopt the contract or agreement. Any changes made to the posted agreement during the public review period or any proposed amendments to the agreement once adopted must be posted for 20 business days before the board may adopt the amendments to the contract;

(2) annually publish on its website a statement of assurance that no member of the school board, staff, or any agent of the school has been promised or received any form of compensation or gifts from the CMO or EMO and that no board member, employee, or agent of the CMO or EMO or any of the organization affiliates or providers serve on the charter school board; and

(3) conduct an independent review and evaluation of the services provided by the CMO or EMO and publish the evaluation on the school's website at least 30 business days before the end of the current contract.

(b) A management agreement with a CMO or EMO must contain the following:

(1) the term of the contract, not to exceed five years;

(2) the total dollar value of the contract including the annual projected costs of services;

(3) a description and terms of the services to be provided during the term of the contract;

(4) notice that a charter school closure during the term of the contract by action of the authorizer or the school's board results in the balance of the current contract becoming null and void;

(5) an annual statement of assurance to the charter school board that the CMO or EMO provided no compensation or gifts to any charter school board member, staff member, or agent of the charter school;

(6) an annual statement of assurance that no charter school board member, employee, contractor, or agent of the CMO or EMO or any affiliated organization is a board member of the charter school or any other charter school;

(7) the policies and protocols that meet federal and state laws regarding student and personnel data collection, usage, access, retention, disclosure and destruction, and indemnification and warranty provisions in case of data breaches by the CMO or EMO;

(8) the CMO or EMO must annually provide the charter school board a financial report by July 31 that accounts for income and expenditures for the previous fiscal year using the account categories in uniform financial accounting and reporting standards; and

(9) an annual assurance that all assets purchased on behalf of the charter school using public funds remain assets of the school.

(c) Any agreement with a CMO or EMO containing any of the following provisions is null and void:

(1) restrictions on the charter school's ability to operate a school upon termination of the agreement;

(2) restrictions on the annual or total amount of the school's operating surplus or fund balance;

(3) authorization to allow a CMO or EMO to withdraw funds from a charter school account; or

(4) authorization to allow a CMO or EMO to loan funds to the charter school.

(d) A CMO or EMO or its affiliates, employees, or agents may not contract with, be employed by, or serve on the board of an authorizer. An authorizer or its affiliates, employees, or agents may not contract with, be employed by, serve as a paid consultant for, or serve as a board member of a CMO or EMO.

Sec. 15. Minnesota Statutes 2022, section 124E.25, subdivision 1a, is amended to read:

Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods occurring after the school ceases serving students, the commissioner shall withhold the estimated state aid owed the school. The charter school board of directors and authorizer must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial information about the school's liabilities and assets. After receiving the closure plan, financial information, an audit of pupil counts, and documented lease expenditures from the charter school and monitoring special education expenditures, the commissioner may release cash withheld and may continue regular payments up to the current year payment percentages if further amounts are owed. If, based on audits and monitoring, the school received state aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to eliminate the aid overpayment.

(b) For a charter school ceasing operations before or at the end of a school year, notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary final payments after the school submits the closure plan, an audit of pupil counts, documented lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS) financial data and the commissioner monitors special education expenditures for the final year of operation. The commissioner may make the final payment after receiving audited financial statements under section 123B.77, subdivision 3.

(c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and satisfying creditors, remaining cash and investment balances shall be returned by the commissioner to the state general fund.



**ARTICLE 5****DISCIPLINE, RESTRICTIVE PROCEDURES, AND REPORTING REFORM**

Section 1. Minnesota Statutes 2022, section 120A.22, subdivision 7, is amended to read:

Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 from which a student is transferring must transmit the student's educational records, within ten business days of a request, to the district, the charter school, or the nonpublic school in which the student is enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the charter school, or the nonpublic school in which a transferring student is next enrolling in order to comply with this subdivision.

(b) A closed charter school must transfer the student's educational records, within ten business days of the school's closure, to the student's school district of residence where the records must be retained unless the records are otherwise transferred under this subdivision.

(c) A school district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 that transmits a student's educational records to another school district or other educational entity, charter school, or nonpublic school to which the student is transferring must include in the transmitted records information about any formal suspension, expulsion, and exclusion disciplinary action, as well as pupil withdrawals, under sections 121A.40 to 121A.56. The transmitted records must include services a pupil needs to prevent the inappropriate behavior from recurring. The district, the charter school, or the nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must provide notice to a student and the student's parent or guardian that formal disciplinary records will be transferred as part of the student's educational record, in accordance with data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g).

(d) Notwithstanding section 138.17, a principal or chief administrative officer must remove from a student's educational record and destroy a probable cause notice received under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the date of the notice and the principal or chief administrative officer has not received a disposition or court order related to the offense described in the notice. This paragraph does not apply if the student no longer attends the school when this one-year period expires.

(e) A principal or chief administrative officer who receives a probable cause notice under section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that data in the student's educational records if they are transmitted to another school, unless the data are required to be destroyed under paragraph (d) or section 121A.75.

Sec. 2. Minnesota Statutes 2022, section 121A.41, is amended by adding a subdivision to read:

Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to removing a pupil from class or dismissing a pupil from school, including evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, referrals for special

education or 504 evaluations, academic screening for Title 1 services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices require school officials to intervene in, redirect, and support a pupil's behavior before removing a pupil from class or beginning dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (q); 122A.627, clause (3); and 123A.56.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 3. Minnesota Statutes 2022, section 121A.41, is amended by adding a subdivision to read:

Subd. 13. **Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or district administrator and a pupil's parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 4. Minnesota Statutes 2022, section 121A.425, is amended to read:

**121A.425 FULL AND EQUITABLE PARTICIPATION IN PRESCHOOL AND PREKINDERGARTEN EARLY LEARNING.**

Subdivision 1. **Disciplinary dismissals prohibited.** (a) A pupil enrolled in the following is not subject to dismissals under this chapter:

(1) a preschool or prekindergarten program, including ~~a child participating in an~~ early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program, ~~may not be subject to dismissals under this chapter;~~ or

(2) kindergarten through grade 3.

(b) Notwithstanding this subdivision, expulsions and exclusions may be used only after resources outlined in subdivision 2 have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

Subd. 2. **Nonexclusionary discipline.** For purposes of this section, nonexclusionary discipline must include at least one of the following:

(1) collaborating with the pupil's family or guardian, child mental health consultant or provider, education specialist, or other community-based support;

(2) creating a plan, written with the parent or guardian, that details the action and support needed for the pupil to fully participate in the current educational program, including a preschool or prekindergarten program; or

(3) providing a referral for needed support services, including parenting education, home visits, other supportive education interventions, or, where appropriate, an evaluation to determine if the pupil is eligible for special education services or section 504 services.

Sec. 5. Minnesota Statutes 2022, section 121A.45, subdivision 1, is amended to read:

Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil without attempting to ~~provide alternative educational services~~ use nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 6. Minnesota Statutes 2022, section 121A.46, subdivision 4, is amended to read:

Subd. 4. **Provision of alternative education services; suspension pending expulsion or exclusion hearing.** (a) Alternative education services must be provided to a pupil who is suspended for more than five consecutive school days.

(b) Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five consecutive school days.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 7. Minnesota Statutes 2022, section 121A.46, is amended by adding a subdivision to read:

Subd. 5. **Minimum education services.** School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 8. Minnesota Statutes 2022, section 121A.47, subdivision 2, is amended to read:

Subd. 2. **Written notice.** Written notice of intent to take action shall:

- (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
- (b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
- (c) state the date, time, and place of the hearing;
- (d) be accompanied by a copy of sections 121A.40 to 121A.56;

(e) describe ~~alternative educational services~~ the nonexclusionary disciplinary practices accorded the pupil in an attempt to avoid the expulsion proceedings; and

(f) inform the pupil and parent or guardian of the right to:

(1) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education and is posted on their website;

(2) examine the pupil's records before the hearing;

(3) present evidence; and

(4) confront and cross-examine witnesses.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 9. Minnesota Statutes 2022, section 121A.47, subdivision 14, is amended to read:

Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including which may include~~ completing a character education program, consistent with section 120B.232, subdivision 1, and social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must require parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.

(b) The definition of suspension under section 121A.41, subdivision 10, does not apply to a student's dismissal from school for ~~one school day or less than one school day~~, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative education services, which must not be used to extend the student's current suspension period. Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School officials must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect or medical or educational neglect.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 10. Minnesota Statutes 2022, section 121A.53, subdivision 1, is amended to read:

Subdivision 1. **Exclusions and expulsions; student withdrawals; physical assaults.** Consistent with subdivision 2, the school board must report through the department electronic reporting system each exclusion or expulsion ~~and,~~ each physical assault of a district employee by a student pupil, and each pupil withdrawal agreement within 30 days of the effective date of the dismissal action, pupil

withdrawal, or assault, to the commissioner of education. This report must include a statement of alternative educational services nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's pupil's age, grade, gender, race, and special education status.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 11. Minnesota Statutes 2022, section 121A.55, is amended to read:

**121A.55 POLICIES TO BE ESTABLISHED.**

(a) The commissioner of education ~~shall~~ must promulgate guidelines to assist each school board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems and shall. The policies must be designed to address students' inappropriate behavior from recurring.

(b) The policies ~~shall~~ must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.

(c) The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards toward meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission in accordance with section 121A.46, subdivision 5.

(d) For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in section 121A.41, subdivision 13:

(1) a school district's continuing responsibility includes reviewing the pupil's school work and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. School districts must communicate on a regular basis with the pupil's parent or guardian to ensure the pupil is completing the work assigned through the alternative educational services;

(2) a pupil receiving school-based or school-linked mental health services in the district under section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and

(3) a school district must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the district or charter school website.

(~~b~~) (e) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(e) (f) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education program from school grounds.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 12. Minnesota Statutes 2022, section 121A.58, is amended to read:

**121A.58 CORPORAL PUNISHMENT; PRONE RESTRAINT; AND CERTAIN PHYSICAL HOLDS.**

Subdivision 1. **Definition Definitions.** (a) For the purpose of this section, "corporal punishment" means conduct involving:

- (1) hitting or spanking a person with or without an object; or
- (2) unreasonable physical force that causes bodily harm or substantial emotional harm.

**(b) For the purpose of this section, "prone restraint" means placing a child in a face-down position.**

Subd. 2. **Corporal punishment not allowed.** An employee or agent of a district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.

Subd. 2a. **Prone restraint and certain physical holds not allowed.** (a) An employee or agent of a district, including a school resource officer or police officer contracted with a district, shall not use prone restraint.

(b) An employee or agent of a district, including a school resource officer or police officer contracted with a district, shall not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.

Subd. 3. **Violation.** Conduct that violates subdivision 2 is not a crime under section 645.241, but may be a crime under chapter 609 if the conduct violates a provision of chapter 609.

Sec. 13. Minnesota Statutes 2022, section 121A.61, subdivision 1, is amended to read:

Subdivision 1. **Required policy.** Each school board must adopt a written districtwide school discipline policy which includes written rules of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class. The policy must contain the discipline complaint procedure that any member of the school community may use to file a complaint regarding the application of discipline policies and seek corrective action. The policy must be developed in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as the board determines appropriate. A school site council may adopt additional provisions to the policy subject to the approval of the school board.

Sec. 14. Minnesota Statutes 2022, section 121A.61, subdivision 3, is amended to read:

Subd. 3. **Policy components.** The policy must include at least the following components:

- (a) rules governing student conduct and procedures for informing students of the rules;
- (b) the grounds for removal of a student from a class;
- (c) the authority of the classroom teacher to remove students from the classroom pursuant to procedures and rules established in the district's policy;
- (d) the procedures for removal of a student from a class by a teacher, school administrator, or other school district employee;
- (e) the period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;
- (f) provisions relating to the responsibility for and custody of a student removed from a class;
- (g) the procedures for return of a student to the specified class from which the student has been removed;
- (h) the procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;
- (i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;
- (j) any procedures determined appropriate for encouraging early detection of behavioral problems;
- (k) any procedures determined appropriate for referring a student in need of special education services to those services;
- (l) any procedures determined appropriate for ensuring victims of bullying who respond with behavior not allowed under the school's behavior policies have access to a remedial response, consistent with section 121A.031;
- ~~(m)~~ (m) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student with a disability who is removed from class;
- ~~(n)~~ (n) procedures for detecting and addressing chemical abuse problems of a student while on the school premises;
- ~~(o)~~ (o) the minimum consequences for violations of the code of conduct;
- ~~(p)~~ (p) procedures for immediate and appropriate interventions tied to violations of the code;
- ~~(q)~~ (q) a provision that states that a teacher, school employee, school bus driver, or other agent of a district may use reasonable force in compliance with section 121A.582 and other laws;

~~(q)~~ (r) an agreement regarding procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program whose behavior may be addressed by crisis intervention; ~~and~~

~~(s)~~ (s) a provision that states a student must be removed from class immediately if the student engages in assault or violent behavior. For purposes of this paragraph, "assault" has the meaning given it in section 609.02, subdivision 10. The removal shall be for a period of time deemed appropriate by the principal, in consultation with the teacher;

(t) a prohibition on the use of exclusionary practices for early learners as defined in section 121A.425; and

(u) a prohibition on the use of exclusionary practices to address attendance and truancy issues.

Sec. 15. Minnesota Statutes 2022, section 121A.61, is amended by adding a subdivision to read:

Subd. 4. **Discipline complaint procedure.** The discipline policy must contain procedures for students, parents and other guardians, and school staff to file a complaint and seek corrective action when the requirements of sections 121A.40 to 121A.61, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied. Each district and school policy implemented under this section must, at a minimum:

(1) provide procedures for communicating this policy including the ability for a parent to appeal a decision under section 121A.49 that contains explicit instructions for filing the complaint;

(2) provide an opportunity for involved parties to submit additional information related to the complaint;

(3) provide a procedure to begin to investigate complaints within three school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;

(4) provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;

(5) if the investigation finds the requirements of sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and

(6) prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

Sec. 16. Minnesota Statutes 2022, section 121A.61, is amended by adding a subdivision to read:

Subd. 5. **School supports.** (a) A school board is strongly encouraged to adopt a policy that promotes the understanding in school staff that when a student is unable to meet adult expectations it is often because the student lacks the skills to respond to a situation appropriately. A school district



must support school staff in using tiered interventions that teach students skills and prioritize relationships between students and teachers.

(b) A school board is strongly encouraged to adopt a policy that discourages teachers and staff from reacting to unwanted student behavior with approaches that take away the student's opportunity to build skills for responding more appropriately.

Sec. 17. **[121A.611] RECESS AND OTHER BREAKS.**

(a) "Recess detention" as used in this chapter means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.

(b) A school district or charter school is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.

(c) A school district or charter school must not use recess detention unless:

(1) a student causes or is likely to cause serious physical harm to other students or staff;

(2) the student's parent or guardian specifically consents to the use of recess detention; or

(3) for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.

(d) A school district or charter school must not withhold recess from a student based on incomplete homework.

(e) A school district or charter school must require school staff to make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.

(f) A school district or charter school must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information must be available to the public upon request. A school district or charter school is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.

(g) A school district or charter school must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a district or school's existing responsibilities under section 124D.111 or other state or federal law.

Sec. 18. Minnesota Statutes 2022, section 125A.0942, is amended to read:

**125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use restrictive procedures shall maintain and make publicly accessible in an electronic format on a school or district website

or make a paper copy available upon request describing a restrictive procedures plan for children with disabilities that at least:

- (1) lists the restrictive procedures the school intends to use;
- (2) describes how the school will implement a range of positive behavior strategies and provide links to mental health services;
- (3) describes how the school will provide training on de-escalation techniques, consistent with section 122A.187, subdivision 4;
- (4) describes how the school will monitor and review the use of restrictive procedures, including:
  - (i) conducting post-use debriefings, consistent with subdivision 3, paragraph (a), clause (5); and
  - (ii) convening an oversight committee to undertake a quarterly review of the use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, the individuals involved, or other factors associated with the use of restrictive procedures; the number of times a restrictive procedure is used schoolwide and for individual children; the number and types of injuries, if any, resulting from the use of restrictive procedures; whether restrictive procedures are used in nonemergency situations; the need for additional staff training; and proposed actions to minimize the use of restrictive procedures; any disproportionate use of restrictive procedures based on race, gender, or disability status; the role of the school resource officer or police in emergencies and the use of restrictive procedures; and documentation to determine if the standards for using restrictive procedures as described in sections 125A.0941 and 125A.0942 are met; and
- (5) includes a written description and documentation of the training staff completed under subdivision 5.

(b) Schools annually must publicly identify oversight committee members who must at least include:

- (1) a mental health professional, school psychologist, or school social worker;
- (2) an expert in positive behavior strategies;
- (3) a special education administrator; and
- (4) a general education administrator.

Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a licensed special education teacher, school social worker, school psychologist, behavior analyst certified by the National Behavior Analyst Certification Board, a person with a master's degree in behavior analysis, other licensed education professional, paraprofessional under section 120B.363, or mental health professional under section 245.4871, subdivision 27, who has completed the training program under subdivision 5.

(b) A school shall make reasonable efforts to notify the parent on the same day a restrictive procedure is used on the child, or if the school is unable to provide same-day notice, notice is sent

within two days by written or electronic means or as otherwise indicated by the child's parent under paragraph (f).

(c) The district must hold a meeting of the individualized education program or individualized family service plan team, conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the individualized education program, individualized family service plan, or behavior intervention plan as appropriate. The district must hold the meeting: within ten calendar days after district staff use restrictive procedures on two separate school days within 30 calendar days or a pattern of use emerges and the child's individualized education program, individualized family service plan, or behavior intervention plan does not provide for using restrictive procedures in an emergency; or at the request of a parent or the district after restrictive procedures are used. The district must review use of restrictive procedures at a child's annual individualized education program or individualized family service plan meeting when the child's individualized education program or individualized family service plan provides for using restrictive procedures in an emergency.

(d) If the individualized education program or individualized family service plan team under paragraph (c) determines that existing interventions and supports are ineffective in reducing the use of restrictive procedures or the district uses restrictive procedures on a child on ten or more school days during the same school year, the team, as appropriate, either must consult with other professionals working with the child; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the child.

(e) At the individualized education program or individualized family service plan meeting under paragraph (c), the team must review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the individualized education program, individualized family service plan, or behavior intervention plan.

(f) An individualized education program or individualized family service plan team may plan for using restrictive procedures and may include these procedures in a child's individualized education program, individualized family service plan, or behavior intervention plan; however, the restrictive procedures may be used only in response to behavior that constitutes an emergency, consistent with this section. The individualized education program, individualized family service plan, or behavior intervention plan shall indicate how the parent wants to be notified when a restrictive procedure is used.

**Subd. 3. Physical holding or seclusion.** (a) Physical holding or seclusion may be used only in an emergency. A school that uses physical holding or seclusion shall meet the following requirements:

(1) physical holding or seclusion is the least intrusive intervention that effectively responds to the emergency;

(2) physical holding or seclusion is not used to discipline a noncompliant child;

(3) physical holding or seclusion ends when the threat of harm ends and the staff determines the child can safely return to the classroom or activity;

(4) staff directly observes the child while physical holding or seclusion is being used;

(5) each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion documents, as soon as possible after the incident concludes, the following information:

(i) a description of the incident that led to the physical holding or seclusion;

(ii) why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;

(iii) the time the physical holding or seclusion began and the time the child was released; ~~and~~

(iv) a brief record of the child's behavioral and physical status; and

(v) a brief description of the post-use debriefing that occurred as a result of the use of the physical hold or seclusion;

(6) the room used for seclusion must:

(i) be at least six feet by five feet;

(ii) be well lit, well ventilated, adequately heated, and clean;

(iii) have a window that allows staff to directly observe a child in seclusion;

(iv) have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings;

(v) have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system; and

(vi) not contain objects that a child may use to injure the child or others; and

(7) before using a room for seclusion, a school must:

(i) receive written notice from local authorities that the room and the locking mechanisms comply with applicable building, fire, and safety codes; and

(ii) register the room with the commissioner, who may view that room.

(b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary, recommend to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures and the commissioner must submit to the legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. The statewide plan includes the following components: measurable goals; the resources, training, technical assistance, mental health services, and

collaborative efforts needed to significantly reduce districts' use of seclusion; and recommendations to clarify and improve the law governing districts' use of restrictive procedures. The commissioner must consult with interested stakeholders when preparing the report, including representatives of advocacy organizations, special education directors, teachers, paraprofessionals, intermediate school districts, school boards, day treatment providers, county social services, state human services department staff, mental health professionals, and autism experts. Beginning with the 2016-2017 school year, in a form and manner determined by the commissioner, districts must report data quarterly to the department by January 15, April 15, July 15, and October 15 about individual students who have been secluded. By July 15 each year, districts must report summary data on their use of restrictive procedures to the department for the prior school year, July 1 through June 30, in a form and manner determined by the commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.

Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

- (1) engaging in conduct prohibited under section 121A.58;
- (2) requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
- (3) totally or partially restricting a child's senses as punishment;
- (4) presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
- (5) denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
- (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under chapter 260E;
- (7) withholding regularly scheduled meals or water;
- (8) denying access to bathroom facilities;
- (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso; ~~and~~
- (10) prone restraint; and
- (11) the use of seclusion on children from birth through third grade.

Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1, staff who use restrictive procedures, including paraprofessionals, shall complete training in the following skills and knowledge areas:

- (1) positive behavioral interventions;
- (2) communicative intent of behaviors;
- (3) relationship building;
- (4) alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;
- (5) de-escalation methods;
- (6) standards for using restrictive procedures only in an emergency;
- (7) obtaining emergency medical assistance;
- (8) the physiological and psychological impact of physical holding and seclusion;
- (9) monitoring and responding to a child's physical signs of distress when physical holding is being used;
- (10) recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used;
- (11) district policies and procedures for timely reporting and documenting each incident involving use of a restricted procedure; and
- (12) schoolwide programs on positive behavior strategies.

(b) The commissioner, after consulting with the commissioner of human services, must develop and maintain a list of training programs that satisfy the requirements of paragraph (a). The commissioner also must develop and maintain a list of experts to help individualized education program or individualized family service plan teams reduce the use of restrictive procedures. The district shall maintain records of staff who have been trained and the organization or professional that conducted the training. The district may collaborate with children's community mental health providers to coordinate trainings.

**Subd. 6. Behavior supports; reasonable force.** (a) School districts are encouraged to establish effective schoolwide systems of positive behavior interventions and supports.

(b) Nothing in this section or section 125A.0941 precludes the use of reasonable force under sections 121A.582; 609.06, subdivision 1; and 609.379. ~~For the 2014-2015 school year and later, districts must collect and submit to the commissioner summary data, consistent with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with the definition of physical holding or seclusion for a child with a disability under this section. Any reasonable force used under sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.~~

**ARTICLE 6****SUPPORTING TEACHER RECRUITMENT, RETENTION, PROFESSIONAL EXPERIENCE**

Section 1. Minnesota Statutes 2022, section 120A.414, subdivision 2, is amended to read:

Subd. 2. **Plan.** A school board may adopt an e-learning day plan after ~~consulting meeting and negotiating~~ with the exclusive representative of the teachers. A charter school may adopt an e-learning day plan after consulting with its teachers, or after meeting and negotiating with the exclusive representative for its teachers. The plan must include accommodations for students without Internet access at home and for digital device access for families without the technology or an insufficient amount of technology for the number of children in the household. A school's e-learning day plan must provide accessible options for students with disabilities under chapter 125A.

Sec. 2. Minnesota Statutes 2022, section 120B.11, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of this section and section 120B.10, the following terms have the meanings given them.

(a) "Instruction" means methods of providing learning experiences that enable a student to meet state and district academic standards and graduation requirements including applied and experiential learning.

(b) "Curriculum" means district or school adopted programs and written plans for providing students with learning experiences that lead to expected knowledge and skills and career and college readiness.

(c) "World's best workforce" means striving to: meet school readiness goals; have all third grade students achieve grade-level literacy; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.

(d) "Experiential learning" means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative work experience, youth apprenticeship, or employment.

(e) "Ethnic studies curriculum" means the critical and interdisciplinary study of race, ethnicity, and indigeneity with a focus on the experiences and perspectives of People of Color within and beyond the United States. Ethnic studies analyzes the ways in which race and racism have been and continue to be powerful social, cultural, and political forces, and the connection of race to the stratification of other groups, including stratification based on gender, class, sexual orientation, gender identity, and legal status. The ethnic studies curriculum may be integrated in existing curricular opportunities or provided through additional curricular offerings.

(f) "Antiracist" means actively working to identify and eliminate racism in all forms so that power and resources are redistributed and shared equitably among racial groups.

(g) "Culturally sustaining" means integrating content and practices that infuse the culture and language of Black, Indigenous, and People of Color communities who have been and continue to be harmed and erased through schooling.

(h) "Institutional racism" means structures, policies, and practices within and across institutions that produce outcomes that chronically favor white people and disadvantage those who are Black, Indigenous, and People of Color.

Sec. 3. Minnesota Statutes 2022, section 120B.11, subdivision 2, is amended to read:

Subd. 2. **Adopting plans and budgets.** A school board, at a public meeting, ~~shall~~ must adopt a comprehensive, long-term strategic plan to support and improve teaching and learning that is aligned with creating the world's best workforce and includes:

(1) clearly defined district and school site goals and benchmarks for instruction and student achievement for all student subgroups identified in section 120B.35, subdivision 3, paragraph (b), clause (2);

(2) a process to: ~~assess and evaluate each student's progress toward meeting state and local academic standards; assess and identify students to participate in gifted and talented programs and accelerate their instruction; and; adopt early-admission procedures consistent with section 120B.15; assess ethnic studies curriculum needs to determine priorities for integrating ethnic studies into existing courses or developing new courses; and identifying~~ identify the strengths and weaknesses of instruction in pursuit of student and school success and curriculum affecting students' progress and growth toward career and college readiness and leading to the world's best workforce;

(3) a system to periodically review and evaluate the effectiveness of all instruction and curriculum, including ethnic studies curriculum, taking into account strategies and best practices, student outcomes, school principal evaluations under section 123B.147, subdivision 3, students' access to effective teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of enrolled students under section 120B.35, subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

(4) strategies for improving instruction, curriculum, and student achievement, including:

(i) the English and, where practicable, the native language development and the academic achievement of English learners; and

(ii) access to ethnic studies curriculum using culturally responsive methodologies for all learners;

(5) a process to examine the equitable distribution of teachers and strategies to ensure children in low-income and minority children families, children in families of People of Color, and children in American Indian families are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers;

(6) education effectiveness practices that:



(i) integrate high-quality instruction, ~~rigorous curriculum~~, technology, and ~~curriculum that is rigorous, accurate, antiracist, and culturally sustaining~~;

(ii) ensure learning and work environments validate, affirm, embrace, and integrate cultural and community strengths for all students, families, and employees; and

(iii) provide a collaborative professional culture that ~~develops and supports~~ seeks to retain qualified, racially and ethnically diverse staff effective at working with diverse students while developing and supporting teacher quality, performance, and effectiveness; and

(7) an annual budget for continuing to implement the district plan; and

(8) identifying a list of suggested and required materials, resources, sample curricula, and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the diversity of the state of Minnesota.

**EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and updated after June 30, 2024.

Sec. 4. Minnesota Statutes 2022, section 120B.11, subdivision 3, is amended to read:

Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards, consistent with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect the diversity of the district and its school sites, include teachers, parents, support staff, students, and other community residents, and provide translation to the extent appropriate and practicable. The district advisory committee ~~shall~~ must pursue community support to accelerate the academic and native literacy and achievement of English learners with varied needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and 2a. The district may establish site teams as subcommittees of the district advisory committee under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school board: rigorous academic standards; student achievement goals and measures consistent with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district assessments; means to improve students' equitable access to effective and more diverse teachers; strategies to ensure the curriculum is rigorous, accurate, antiracist, and culturally sustaining; strategies to ensure that curriculum and learning and work environments validate, affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic groups; and program evaluations. School sites may expand upon district evaluations of instruction, curriculum, assessments, or programs. Whenever possible, parents and other community residents ~~shall~~ must comprise at least two-thirds of advisory committee members.

Sec. 5. **[120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

Subdivision 1. **Purpose.** This section sets short-term and long-term attainment goals for increasing the percentage of teachers of color and who are American Indian teachers in Minnesota and for ensuring all students have equitable access to effective and racially and ethnically diverse teachers who reflect the diversity of students. The goals and report required under this section are important for meeting attainment goals for the world's best workforce under section 120B.11, achievement

and integration under section 124D.861, and higher education attainment under section 135A.012, all of which have been established to close persistent opportunity and achievement gaps that limit students' success in school and life and impede the state's economic growth.

Subd. 2. **Equitable access to racially and ethnically diverse teachers.** The percentage of teachers in Minnesota who are of color or who are American Indian should increase at least two percentage points per year to have a teaching workforce that more closely reflects the state's increasingly diverse student population and to ensure all students have equitable access to effective and diverse teachers by 2040.

Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion of any other goals and does not confer a right or create a claim for any person.

Subd. 4. **Reporting.** Beginning in 2024 and every even-numbered year thereafter, the Professional Educator Licensing and Standards Board must collaborate with the Department of Education and the Office of Higher Education to publish a summary report of each of the programs they administer and any other programs receiving state appropriations that have or include an explicit purpose of increasing the racial and ethnic diversity of the state's teacher workforce to more closely reflect the diversity of students. The report must include programs under sections 122A.59, 122A.63, 122A.635, 122A.70, 122A.73, 124D.09, 124D.861, 136A.1274, 136A.1276, and 136A.1791, along with any other programs or initiatives that receive state appropriations to address the shortage of teachers of color and American Indian teachers. The board must, in coordination with the Office of Higher Education and Department of Education, provide policy and funding recommendations related to state-funded programs to increase the recruitment, preparation, licensing, hiring, and retention of racially and ethnically diverse teachers and the state's progress toward meeting or exceeding the goals of this section. The report must include recommendations for state policy and funding needed to achieve the goals of this section, plans for sharing the report and activities of grant recipients, and opportunities among grant recipients of various programs to share effective practices with each other. The 2024 report must include a recommendation of whether a state advisory council should be established to address the shortage of racially and ethnically diverse teachers and what the composition and charge of such an advisory council would be if established. The board must consult with the Indian Affairs Council and other ethnic councils along with other community partners, including students of color and American Indian students, in developing the report. By November 3 of each odd-numbered year, the board must submit the report to the chairs and ranking minority members of the legislative committees with jurisdiction over education and higher education policy and finance. The report must be available to the public on the board's website.

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

**Sec. 6. [120B.25] CURRICULUM POLICY.**

A school board must adopt a written policy that prohibits discrimination or discipline for a teacher or principal on the basis of incorporating into curriculum contributions by persons in a federally protected class or protected class under section 363A.13 consistent with local collective bargaining agreements.

Sec. 7. Minnesota Statutes 2022, section 121A.031, subdivision 6, is amended to read:

Subd. 6. **State model policy.** (a) The commissioner, in consultation with the commissioner of human rights, shall develop and maintain a state model policy. A district or school that does not adopt and implement a local policy under subdivisions 3 to 5 must implement and may supplement the provisions of the state model policy. The commissioner must assist districts and schools under this subdivision to implement the state policy. The state model policy must:

- (1) define prohibited conduct, consistent with this section;
- (2) apply the prohibited conduct policy components in this section;

(3) for a child with a disability, whenever an evaluation by an individualized education program team or a section 504 team indicates that the child's disability affects the child's social skills development or the child is vulnerable to prohibited conduct because of the child's disability, the child's individualized education program or section 504 plan may address the skills and proficiencies the child needs to not engage in and respond to such conduct; and

(4) encourage violence prevention and character development education programs under section 120B.232, subdivision 1.

(b) The commissioner shall develop and post departmental procedures for:

(1) periodically reviewing district and school programs and policies for compliance with this section;

(2) investigating, reporting, and responding to noncompliance with this section, which may include an annual review of plans to improve and provide a safe and supportive school climate; and

(3) allowing students, parents, and educators to file a complaint about noncompliance with the commissioner.

(c) The commissioner must post on the department's website information indicating that when districts and schools allow non-curriculum-related student groups access to school facilities, the district or school must give all student groups equal access to the school facilities regardless of the content of the group members' speech.

(d) The commissioner must develop and maintain resources to assist a district or school in implementing strategies for creating a positive school climate and use evidence-based, social-emotional learning to prevent and reduce discrimination and other improper conduct.

Sec. 8. Minnesota Statutes 2022, section 122A.181, subdivision 5, is amended to read:

Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and limited to the district or charter school that requested the initial Tier 1 license.

(b) A Tier 1 license does not bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under section 179A.03, subdivision 18.~~

Sec. 9. Minnesota Statutes 2022, section 122A.183, subdivision 2, is amended to read:

Subd. 2. **Coursework.** A candidate for a Tier 3 license must meet the coursework requirement by demonstrating one of the following:

(1) completion of a Minnesota-approved teacher preparation program;

(2) completion of a state-approved teacher preparation program that includes field-specific student teaching equivalent to field-specific student teaching in Minnesota-approved teacher preparation programs. The field-specific student teaching requirement does not apply to a candidate that has two years of teaching experience;

(3) submission of a content-specific licensure portfolio; or

(4) a professional teaching license from another state, evidence that the candidate's license is in good standing, and two years of teaching experience; ~~or~~

~~(5) three years of teaching experience under a Tier 2 license and evidence of summative teacher evaluations that did not result in placing or otherwise keeping the teacher on an improvement process pursuant to section 122A.40, subdivision 8, or section 122A.41, subdivision 5.~~

**EFFECTIVE DATE.** This section is effective for all licenses issued after July 1, 2023. All Tier 2 license holders as of June 30, 2023, may continue to apply their years of teaching experience to obtain their Tier 3 license through June 30, 2026.

Sec. 10. Minnesota Statutes 2022, section 122A.185, subdivision 1, is amended to read:

Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted examination of skills in reading, writing, and mathematics before being granted a Tier 4 teaching license under section 122A.184 to provide direct instruction to pupils in elementary, secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier 3 license to provide direct instruction to pupils in elementary, secondary, or special education programs if candidates meet the other requirements in section 122A.181, 122A.182, or 122A.183, respectively.~~

~~(b)~~ (a) The board must adopt and revise rules requiring candidates applicants for Tier 3 and Tier 4 licenses to pass an examination or assessment of general pedagogical knowledge and examinations or assessments of licensure field specific content. An applicant is exempt from the examination requirements if: (1) the applicant completed a board-approved teacher preparation program; or (2) the applicant completed a state-approved teacher preparation program in another state and passed licensure examinations in that state. The content examination requirement does not apply if no relevant content exam exists.

~~(c) Candidates~~ (b) Applicants for initial ~~Tier 3 and~~ Tier 4 licenses to teach elementary students must pass test items assessing the ~~candidates'~~ applicants' knowledge, skill, and ability in comprehensive, scientifically based reading instruction under section 122A.06, subdivision 4, knowledge and understanding of the foundations of reading development, development of reading comprehension and reading assessment and instruction, and the ability to integrate that knowledge and understanding into instruction strategies under section 122A.06, subdivision 4.

~~(d) The requirement to pass a board-adopted reading, writing, and mathematics skills examination does not apply to nonnative English speakers, as verified by qualified Minnesota school district personnel or Minnesota higher education faculty, who, after meeting the content and pedagogy requirements under this subdivision, apply for a teaching license to provide direct instruction in their native language or world language instruction under section 120B.022, subdivision 1.~~

Sec. 11. Minnesota Statutes 2022, section 122A.26, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** (a) A person who teaches in a community education program ~~which that~~ qualifies for aid pursuant to section 124D.52 shall continue to meet licensure requirements as a teacher. A person who teaches in an early childhood and family education program ~~which that~~ is offered through a community education program and ~~which that~~ qualifies for community education aid pursuant to section 124D.20 or early childhood and family education aid pursuant to section 124D.135 shall continue to meet licensure requirements as a teacher. A person who teaches in a community education course ~~which that~~ is offered for credit for graduation to persons under 18 years of age shall continue to meet licensure requirements as a teacher.

(b) A person who teaches a driver training course ~~which that~~ is offered through a community education program to persons under 18 years of age shall be licensed by the Professional Educator Licensing and Standards Board or be subject to section 171.35. A license ~~which that~~ is required for an instructor in a community education program pursuant to this ~~subdivision paragraph~~ shall not be construed to bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, ~~clause paragraph~~ (a).

Sec. 12. Minnesota Statutes 2022, section 122A.40, subdivision 5, is amended to read:

Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period that is consistent with subdivision 8. Evaluation must occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. However, the board must give any such teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

(b) A board must discharge a probationary teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

(c) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).

(d) A probationary teacher whose first three years of consecutive employment are interrupted for maternity, paternity, or medical leave and who resumes teaching within 12 months of when the leave began is considered to have a consecutive teaching experience for purposes of paragraph (a) if the probationary teacher completes a combined total of three years of teaching service immediately before and after the leave.

(e) A probationary teacher must complete at least ~~120~~ 90 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

Sec. 13. Minnesota Statutes 2022, section 122A.40, subdivision 8, is amended to read:

**Subd. 8. Development, evaluation, and peer coaching for continuing contract teachers.** (a) To improve student learning and success, a school board and an exclusive representative of the teachers in the district, consistent with paragraph (b), may develop a teacher evaluation and peer review process for probationary and continuing contract teachers through joint agreement. If a school board and the exclusive representative of the teachers do not agree to an annual teacher evaluation and peer review process, then the school board and the exclusive representative of the teachers must implement the state teacher evaluation plan under paragraph (c). The process must include having trained observers serve as peer coaches or having teachers participate in professional learning communities, consistent with paragraph (b).

(b) To develop, improve, and support qualified teachers and effective teaching practices, improve student learning and success, and provide all enrolled students in a district or school with improved and equitable access to more effective and diverse teachers, the annual evaluation process for teachers:

(1) must, for probationary teachers, provide for all evaluations required under subdivision 5;

(2) must establish a three-year professional review cycle for each teacher that includes an individual growth and development plan, a peer review process, and at least one summative evaluation performed by a qualified and trained evaluator such as a school administrator. For the years when a tenured teacher is not evaluated by a qualified and trained evaluator, the teacher must be evaluated by a peer review;

(3) ~~must be based on professional teaching standards established in rule~~ include a rubric of performance standards for teacher practice that: (i) is based on professional teaching standards established in rule; (ii) includes culturally responsive methodologies; and (iii) provides common descriptions of effectiveness using at least three levels of performance;

(4) must coordinate staff development activities under sections 122A.60 and 122A.61 with this evaluation process and teachers' evaluation outcomes;

(5) may provide time during the school day and school year for peer coaching and teacher collaboration;

(6) may include job-embedded learning opportunities such as professional learning communities;

(7) may include mentoring and induction programs for teachers, including teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;

(8) must include an option for teachers to develop and present a portfolio demonstrating evidence of reflection and professional growth, consistent with section 122A.187, subdivision 3, and include teachers' own performance assessment based on student work samples and examples of teachers' work, which may include video among other activities for the summative evaluation;

(9) must use data from valid and reliable assessments aligned to state and local academic standards and must use state and local measures of student growth and literacy that may include value-added models or student learning goals to determine 35 percent of teacher evaluation results;

(10) must use longitudinal data on student engagement and connection, and other student outcome measures explicitly aligned with the elements of curriculum for which teachers are responsible, including academic literacy, oral academic language, and achievement of content areas of English learners;

(11) must require qualified and trained evaluators such as school administrators to perform summative evaluations and ensure school districts and charter schools provide for effective evaluator training specific to teacher development and evaluation;

(12) must give teachers not meeting professional teaching standards under clauses (3) through (11) support to improve through a teacher improvement process that includes established goals and timelines; and

(13) must discipline a teacher for not making adequate progress in the teacher improvement process under clause (12) that may include a last chance warning, termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline a school administrator determines is appropriate.

Data on individual teachers generated under this subdivision are personnel data under section 13.43. The observation and interview notes of peer coaches may only be disclosed to other school officials with the consent of the teacher being coached.

(c) The department, in consultation with parents who may represent parent organizations and teacher and administrator representatives appointed by their respective organizations, representing the Professional Educator Licensing and Standards Board, the Minnesota Association of School Administrators, the Minnesota School Boards Association, the Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and representatives of the Minnesota Assessment

Group, the Minnesota Business Partnership, the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with research expertise in teacher evaluation, must create and publish a teacher evaluation process that complies with the requirements in paragraph (b) and applies to all teachers under this section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher evaluation and peer review process. The teacher evaluation process created under this subdivision does not create additional due process rights for probationary teachers under subdivision 5.

(d) Consistent with the measures of teacher effectiveness under this subdivision:

(1) for students in kindergarten through grade 4, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that grade; and

(2) for students in grades 5 through 12, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area and grade.

All data created and used under this paragraph retains its classification under chapter 13.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 14. Minnesota Statutes 2022, section 122A.41, subdivision 2, is amended to read:

Subd. 2. **Probationary period; discharge or demotion.** (a) ~~All teachers in the public schools in cities of the first class during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period any annual contract with any teacher may, or may not, be renewed as the school board, after consulting with the peer review committee charged with evaluating the probationary teachers under subdivision 3, shall see fit. The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and the probationary period in each district in which the teacher is thereafter employed shall be one year.~~ The school site management team or the school board if there is no school site management team, shall adopt a plan for a written evaluation of teachers during the probationary period according to subdivisions 3 and 5. Evaluation by the peer review committee charged with evaluating probationary teachers under subdivision 3 shall occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school shall not be included in determining the number of school days on which a teacher performs services. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.



(b) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).

(c) A probationary teacher whose first three years of consecutive employment are interrupted for maternity, paternity, or medical leave and who resumes teaching within 12 months of when the leave began is considered to have a consecutive teaching experience for purposes of paragraph (a) if the probationary teacher completes a combined total of three years of teaching service immediately before and after the leave.

(d) A probationary teacher must complete at least ~~120~~ 90 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

Sec. 15. Minnesota Statutes 2022, section 122A.41, subdivision 5, is amended to read:

**Subd. 5. Development, evaluation, and peer coaching for continuing contract teachers.** (a) To improve student learning and success, a school board and an exclusive representative of the teachers in the district, consistent with paragraph (b), may develop an annual teacher evaluation and peer review process for probationary and nonprobationary teachers through joint agreement. If a school board and the exclusive representative of the teachers in the district do not agree to an annual teacher evaluation and peer review process, then the school board and the exclusive representative of the teachers must implement the state teacher evaluation plan developed under paragraph (c). The process must include having trained observers serve as peer coaches or having teachers participate in professional learning communities, consistent with paragraph (b).

(b) To develop, improve, and support qualified teachers and effective teaching practices and improve student learning and success, and provide all enrolled students in a district or school with improved and equitable access to more effective and diverse teachers, the annual evaluation process for teachers:

(1) must, for probationary teachers, provide for all evaluations required under subdivision 2;

(2) must establish a three-year professional review cycle for each teacher that includes an individual growth and development plan, a peer review process, and at least one summative evaluation performed by a qualified and trained evaluator such as a school administrator;

(3) ~~must be based on professional teaching standards established in rule~~ include a rubric of performance standards for teacher practice that: (i) is based on professional teaching standards established in rule; (ii) includes culturally responsive methodologies; and (iii) provides common descriptions of effectiveness using at least three levels of performance;

(4) must coordinate staff development activities under sections 122A.60 and 122A.61 with this evaluation process and teachers' evaluation outcomes;

(5) may provide time during the school day and school year for peer coaching and teacher collaboration;

(6) may include job-embedded learning opportunities such as professional learning communities;

(7) may include mentoring and induction programs for teachers, including teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;

(8) must include an option for teachers to develop and present a portfolio demonstrating evidence of reflection and professional growth, consistent with section 122A.187, subdivision 3, and include teachers' own performance assessment based on student work samples and examples of teachers' work, which may include video among other activities for the summative evaluation;

(9) must use data from valid and reliable assessments aligned to state and local academic standards and must use state and local measures of student growth and literacy that may include value-added models or student learning goals to determine 35 percent of teacher evaluation results;

(10) must use longitudinal data on student engagement and connection and other student outcome measures explicitly aligned with the elements of curriculum for which teachers are responsible, including academic literacy, oral academic language, and achievement of English learners;

(11) must require qualified and trained evaluators such as school administrators to perform summative evaluations and ensure school districts and charter schools provide for effective evaluator training specific to teacher development and evaluation;

(12) must give teachers not meeting professional teaching standards under clauses (3) through (11) support to improve through a teacher improvement process that includes established goals and timelines; and

(13) must discipline a teacher for not making adequate progress in the teacher improvement process under clause (12) that may include a last chance warning, termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline a school administrator determines is appropriate.

Data on individual teachers generated under this subdivision are personnel data under section 13.43. The observation and interview notes of peer coaches may only be disclosed to other school officials with the consent of the teacher being coached.

(c) The department, in consultation with parents who may represent parent organizations and teacher and administrator representatives appointed by their respective organizations, representing the Professional Educator Licensing and Standards Board, the Minnesota Association of School Administrators, the Minnesota School Boards Association, the Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and representatives of the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with research expertise in teacher evaluation, must create and publish a teacher evaluation process that complies with the requirements in paragraph (b) and applies to all teachers under this section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher evaluation and peer review process. The teacher evaluation process created under this subdivision does not create additional due process rights for probationary teachers under subdivision 2.

(d) Consistent with the measures of teacher effectiveness under this subdivision:

(1) for students in kindergarten through grade 4, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that grade; and

(2) for students in grades 5 through 12, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area and grade.

All data created and used under this paragraph retains its classification under chapter 13.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 16. Minnesota Statutes 2022, section 123B.147, subdivision 3, is amended to read:

Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory, and instructional leadership services, under the supervision of the superintendent of schools of the district and according to the policies, rules, and regulations of the school board, for the planning, management, operation, and evaluation of the education program of the building or buildings to which the principal is assigned.

(b) To enhance a principal's culturally responsive leadership skills and support and improve teaching practices, school performance, and student achievement for diverse student populations, including at-risk students, children with disabilities, English learners, and gifted students, among others, a district must develop and implement a performance-based system for annually evaluating school principals assigned to supervise a school building within the district. The evaluation must be designed to improve teaching and learning by supporting the principal in shaping the school's professional environment and developing teacher quality, performance, and effectiveness. The annual evaluation must:

(1) support and improve a principal's instructional leadership, organizational management, and professional development, and strengthen the principal's capacity in the areas of instruction, supervision, evaluation, and teacher development;

(2) support and improve a principal's culturally responsive leadership practices that create inclusive and respectful teaching and learning environments for all students, families, and employees;

~~(2)~~ (3) include formative and summative evaluations based on multiple measures of student progress toward career and college readiness;

~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and goals, and the principal's own professional multiyear growth plans and goals, all of which must support the principal's leadership behaviors and practices, rigorous curriculum, school performance, and high-quality instruction;

(4) (5) include on-the-job observations and previous evaluations;

(5) (6) allow surveys to help identify a principal's effectiveness, leadership skills and processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

(6) (7) use longitudinal data on student academic growth as 35 percent of the evaluation and incorporate district achievement goals and targets;

(7) (8) be linked to professional development that emphasizes improved teaching and learning, curriculum and instruction, student learning, culturally responsive leadership practices, and a collaborative professional culture; and

(8) (9) for principals not meeting standards of professional practice or other criteria under this subdivision, implement a plan to improve the principal's performance and specify the procedure and consequence if the principal's performance is not improved.

The provisions of this paragraph are intended to provide districts with sufficient flexibility to accommodate district needs and goals related to developing, supporting, and evaluating principals.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 17. Minnesota Statutes 2022, section 124D.861, subdivision 2, is amended to read:

Subd. 2. **Plan implementation; components.** (a) The school board of each eligible district must formally develop and implement a long-term plan under this section. The plan must be incorporated into the district's comprehensive strategic plan under section 120B.11. ~~Plan components may include: innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices; family engagement initiatives that involve families in their students' academic life and success; professional development opportunities for teachers and administrators focused on improving the academic achievement of all students, including teachers and administrators who are members of populations underrepresented among the licensed teachers or administrators in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic opportunities and effective and more diverse instructors focused on rigor and college and career readiness for underserved students, including students enrolled in alternative learning centers under section 123A.05, public alternative programs under section 126C.05, subdivision 15, and contract alternative programs under section 124D.69, among other underserved students; or recruitment and retention of teachers and administrators with diverse racial and ethnic backgrounds.~~

(b) The plan must contain goals for:

(1) reducing the disparities in academic achievement and in equitable access to effective and more diverse teachers among all students and specific categories of students under section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender, disability, and English learners; and

(2) increasing racial and economic diversity and integration in schools and districts.

(c) The plan must include strategies to validate, affirm, embrace, and integrate cultural and community strengths of all students, families, and employees in the district's curriculum as well as learning and work environments. The plan must address issues of institutional racism as defined in section 120B.11, subdivision 1, in schools that create opportunity and achievement gaps for students, families, and staff who are of color or who are American Indian. Examples of institutional racism experienced by students who are of color or who are American Indian include policies and practices that intentionally or unintentionally result in disparate discipline referrals and suspension, inequitable access to advanced coursework, overrepresentation in lower-level coursework, inequitable participation in cocurricular activities, inequitable parent involvement, and lack of equitable access to racially and ethnically diverse teachers who reflect the racial or ethnic diversity of students because it has not been a priority to hire or retain such teachers.

(d) School districts must use local data, to the extent practicable, to develop plan components and strategies. Plans may include:

(1) innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices;

(2) family engagement initiatives that involve families in their students' academic life and success and improve relations between home and school;

(3) opportunities for students, families, staff, and community members who are of color or American Indian to share their experiences in the school setting with school staff and administration and to inform the development of specific proposals for making school environments more validating, affirming, embracing, and integrating of their cultural and community strengths;

(4) professional development opportunities for teachers and administrators focused on improving the academic achievement of all students, including knowledge, skills, and dispositions needed to be antiracist and culturally sustaining as defined in section 120B.11, subdivision 1, for serving students who are from racially and ethnically diverse backgrounds;

(5) recruitment and retention of teachers, administrators, cultural and family liaisons, paraprofessionals, and other staff from racial, ethnic, and linguistic backgrounds represented in the student population to strengthen relationships with all students, families, and other members of the community;

(6) collection, examination, and evaluation of academic and discipline data for institutional racism as defined in section 120B.11, subdivision 1, in structures, policies, and practices that result in the education disparities, in order to propose antiracist changes as defined in section 120B.11, subdivision 1, that increase access, meaningful participation, representation, and positive outcomes for students of color and American Indian students;

(7) increased programmatic opportunities and effective and more diverse instructors focused on rigor and college and career readiness for students who are impacted by racial, gender, linguistic, and economic disparities, including students enrolled in area learning centers or alternative learning programs under section 123A.05, state-approved alternative programs under section 126C.05, subdivision 15, and contract alternative programs under section 124D.69, among other underserved students;

(8) ethnic studies curriculum as defined in section 120B.11, subdivision 1, to provide all students with opportunities to learn about their own and others' cultures and historical experiences; or

(9) examination and revision of district curricula in all subjects to be inclusive of diverse racial and ethnic groups while meeting state academic standards and being culturally sustaining as defined in section 120B.11, subdivision 1, ensuring content being studied about any group is accurate and based in knowledge from that group.

~~(b)~~ (e) Among other requirements, an eligible district must implement effective, research-based interventions that include formative multiple measures of assessment practices and engagement in order to reduce the eliminate academic disparities in student academic performance among the specific categories of students as measured by student progress and growth on state reading and math assessments and for students impacted by racial, gender, linguistic, and economic inequities as aligned with section 120B.11.

~~(e)~~ (f) Eligible districts must create efficiencies and eliminate duplicative programs and services under this section, which may include forming collaborations or a single, seven-county metropolitan areawide partnership of eligible districts for this purpose.

**EFFECTIVE DATE.** This section is effective for all plans reviewed and updated after the day following final enactment.

## ARTICLE 7

### STUDENTS WITH DISABILITIES AND STUDENTS IN NEED OF SPECIAL EDUCATION SERVICES

Section 1. Minnesota Statutes 2022, section 121A.17, subdivision 3, is amended to read:

Subd. 3. **Screening program.** (a) A screening program must include at least the following components: developmental assessments, including virtual developmental screening for families who make the request based on their immunocompromised health status or other health conditions, hearing and vision screening or referral, immunization review and referral, the child's height and weight, the date of the child's most recent comprehensive vision examination, if any, identification of risk factors that may influence learning, an interview with the parent about the child, and referral for assessment, diagnosis, and treatment when potential needs are identified. The district and the person performing or supervising the screening must provide a parent or guardian with clear written notice that the parent or guardian may decline to answer questions or provide information about family circumstances that might affect development and identification of risk factors that may influence learning. The notice must state "Early childhood developmental screening helps a school district identify children who may benefit from district and community resources available to help in their development. Early childhood developmental screening includes a vision screening that helps detect potential eye problems but is not a substitute for a comprehensive eye exam." The notice must clearly state that declining to answer questions or provide information does not prevent the child from being enrolled in kindergarten or first grade if all other screening components are met. If a parent or guardian is not able to read and comprehend the written notice, the district and the person performing or supervising the screening must convey the information in another manner. The notice must also inform the parent or guardian that a child need not submit to the district

screening program if the child's health records indicate to the school that the child has received comparable developmental screening performed within the preceding 365 days by a public or private health care organization or individual health care provider. The notice must be given to a parent or guardian at the time the district initially provides information to the parent or guardian about screening and must be given again at the screening location.

(b) All screening components shall be consistent with the standards of the state commissioner of health for early developmental screening programs. A developmental screening program must not provide laboratory tests or a physical examination to any child. The district must request from the public or private health care organization or the individual health care provider the results of any laboratory test or physical examination within the 12 months preceding a child's scheduled screening. For the purposes of this section, "comprehensive vision examination" means a vision examination performed by an optometrist or ophthalmologist.

(c) If a child is without health coverage, the school district must refer the child to an appropriate health care provider.

(d) A board may offer additional components such as nutritional, physical and dental assessments, review of family circumstances that might affect development, blood pressure, laboratory tests, and health history.

(e) If a statement signed by the child's parent or guardian is submitted to the administrator or other person having general control and supervision of the school that the child has not been screened because of conscientiously held beliefs of the parent or guardian, the screening is not required.

Sec. 2. Minnesota Statutes 2022, section 125A.15, is amended to read:

**125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

The responsibility for special instruction and services for a child with a disability temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The district of residence of a child shall be the district in which the child's parent resides, if living, or the child's guardian. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner.

(b) If a district other than the resident district places a pupil for care and treatment, the district placing the pupil must notify and give the resident district an opportunity to participate in the placement decision. When an immediate emergency placement of a pupil is necessary and time constraints foreclose a resident district from participating in the emergency placement decision, the district in which the pupil is temporarily placed must notify the resident district of the emergency placement within 15 days. The resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.

(c) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation to and from the care and treatment program and an appropriate educational program for the child. The resident district may establish

reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district. If a child's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is authorized to provide online learning instruction under state statutes, the child's district of residence may utilize that state-approved online learning program in fulfilling its educational program responsibility under this section if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

(d) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing an appropriate educational program for the child and necessary transportation while the child is attending the educational program; and must bill the district of the child's residence for the actual cost of providing the program, as outlined in section 125A.11, except as provided in paragraph (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a disability placed outside of the school district of residence by the commissioner of human services or the commissioner of corrections or their agents, for reasons other than providing for the child's special educational needs must not become the responsibility of either the district providing the instruction or the district of the child's residence. For the purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment. If a child's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is authorized to provide online learning instruction under state statutes, the nonresident district may utilize that state-approved online learning program in fulfilling its educational program responsibility under this section if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

(e) A privately owned and operated residential facility may enter into a contract to obtain appropriate educational programs for special education children and services with a joint powers entity. The entity with which the private facility contracts for special education services shall be the district responsible for providing students placed in that facility an appropriate educational program in place of the district in which the facility is located. If a privately owned and operated residential facility does not enter into a contract under this paragraph, then paragraph (d) applies.

(f) The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim general education aid for the child as provided by law. Transportation costs must be paid by the district responsible for providing the transportation and the state must pay transportation aid to that district.

Sec. 3. Minnesota Statutes 2022, section 125A.51, is amended to read:

**125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION AND TRANSPORTATION.**



The responsibility for providing instruction and transportation for a pupil without a disability who has a short-term or temporary physical or emotional illness or disability, as determined by the standards of the commissioner, and who is temporarily placed for care and treatment for that illness or disability, must be determined as provided in this section.

(a) The school district of residence of the pupil is the district in which the pupil's parent or guardian resides. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner.

(b) When parental rights have been terminated by court order, the legal residence of a child placed in a residential or foster facility for care and treatment is the district in which the child resides.

(c) Before the placement of a pupil for care and treatment, the district of residence must be notified and provided an opportunity to participate in the placement decision. When an immediate emergency placement is necessary and time does not permit resident district participation in the placement decision, the district in which the pupil is temporarily placed, if different from the district of residence, must notify the district of residence of the emergency placement within 15 days of the placement. When a nonresident district makes an emergency placement without first consulting with the resident district, the resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.

(d) When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, the district of residence must provide instruction and necessary transportation to and from the care and treatment program for the pupil. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the instruction at a school within the district of residence; at the pupil's residence; through an authorized online learning program provided by the pupil's resident district, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction; or, in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district. The district of placement may contract with a facility to provide instruction by teachers licensed by the Professional Educator Licensing and Standards Board.

(e) When a pupil without a disability is temporarily placed in a residential program for care and treatment, the district in which the pupil is placed must provide instruction for the pupil and necessary transportation while the pupil is receiving instruction, and in the case of a placement outside of the district of residence, the nonresident district must bill the district of residence for the actual cost of providing the instruction for the regular school year and for summer school, excluding transportation costs. If a pupil's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is authorized to provide online learning instruction under state statutes, the district in which the pupil is placed may utilize that state-approved online

learning program in fulfilling its responsibility to provide instruction under this section if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

(f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or private homeless shelter, then the district that enrolls the pupil under section 120A.20, subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls the pupil and the district in which the pupil is temporarily placed agree that the district in which the pupil is temporarily placed shall provide transportation. When a pupil without a disability is temporarily placed in a residential program outside the district of residence, the administrator of the court placing the pupil must send timely written notice of the placement to the district of residence. The district of placement may contract with a residential facility to provide instruction by teachers licensed by the Professional Educator Licensing and Standards Board. For purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment.

(g) The district of residence must include the pupil in its residence count of pupil units and pay tuition as provided in section 123A.488 to the district providing the instruction. Transportation costs must be paid by the district providing the transportation and the state must pay transportation aid to that district. For purposes of computing state transportation aid, pupils governed by this subdivision must be included in the disabled transportation category if the pupils cannot be transported on a regular school bus route without special accommodations.

Sec. 4. Minnesota Statutes 2022, section 125A.515, subdivision 3, is amended to read:

Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's residential facility is located must provide education services, including special education if eligible, to all students placed in a facility. If a child's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is authorized to provide online learning instruction under state statutes, the district in which the children's residential facility is located may utilize that state-approved online learning program in fulfilling its education services responsibility under this section if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

(b) For education programs operated by the Department of Corrections, the providing district shall be the Department of Corrections. For students remanded to the commissioner of corrections, the providing and resident district shall be the Department of Corrections.

## ARTICLE 8

### EARLY CHILDHOOD AND EARLY LEARNING

Section 1. Minnesota Statutes 2022, section 124D.03, subdivision 5a, is amended to read:

Subd. 5a. **Lotteries.** If a school district has more applications than available seats at a specific grade level, it must hold an impartial lottery following the January 15 deadline to determine which students will receive seats. The district must give priority to enrolling siblings of currently enrolled students, students seeking enrollment into kindergarten who were open enrolled in voluntary prekindergarten or school readiness plus programs in the district, students whose applications are related to an approved integration and achievement plan, and children of the school district's staff;

and students residing in that part of a municipality, defined under section 469.1812, subdivision 3, where:

- ~~(1) the student's resident district does not operate a school building;~~
- ~~(2) the municipality is located partially or fully within the boundaries of at least five school districts;~~
- ~~(3) the nonresident district in which the student seeks to enroll operates one or more school buildings within the municipality; and~~
- ~~(4) no other nonresident, independent, special, or common school district operates a school building within the municipality.~~

The process for the school district lottery must be established in school district policy, approved by the school board, and posted on the school district's website.

Sec. 2. Minnesota Statutes 2022, section 124D.03, subdivision 12, is amended to read:

Subd. 12. **Termination of enrollment.** A district may terminate the enrollment of a nonresident student enrolled under this section or section 124D.08 at the end of a school year if the student meets the definition of a habitual truant under section 260C.007, subdivision 19, the student has been provided appropriate services under chapter 260A, and the student's case has been referred to juvenile court. A district may also terminate the enrollment of a nonresident student over the age of 17 enrolled under this section if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under section 120A.22, subdivision 8. Starting in the 2023-2024 school year, a district may terminate the enrollment of a nonresident preschool student under this section or section 125A.13 when the student meets age eligibility requirements for kindergarten or reaches age five by September 1.

Sec. 3. Minnesota Statutes 2022, section 124D.141, subdivision 2, is amended to read:

Subd. 2. **Additional duties.** The following duties are added to those assigned to the council under federal law:

- (1) make recommendations on the most efficient and effective way to leverage state and federal funding streams for early childhood and child care programs;

- ~~(2) make recommendations on how to coordinate or collocate early childhood and child care programs in one state Office of Early Learning. The council shall establish a task force to develop these recommendations. The task force shall include two nonexecutive branch or nonlegislative branch representatives from the council; six representatives from the early childhood caucus; two representatives each from the Departments of Education, Human Services, and Health; one representative each from a local public health agency, a local county human services agency, and a school district; and two representatives from the private nonprofit organizations that support early childhood programs in Minnesota. In developing recommendations in coordination with existing efforts of the council, the task force shall consider how to:~~

~~(i) consolidate and coordinate resources and public funding streams for early childhood education and child care, and ensure the accountability and coordinated development of all early childhood education and child care services to children from birth to kindergarten entrance;~~

~~(ii) create a seamless transition from early childhood programs to kindergarten;~~

~~(iii) encourage family choice by ensuring a mixed system of high-quality public and private programs, with local points of entry, staffed by well-qualified professionals;~~

~~(iv) ensure parents a decisive role in the planning, operation, and evaluation of programs that aid families in the care of children;~~

~~(v) provide consumer education and accessibility to early childhood education and child care resources;~~

~~(vi) advance the quality of early childhood education and child care programs in order to support the healthy development of children and preparation for their success in school;~~

~~(vii) develop a seamless service delivery system with local points of entry for early childhood education and child care programs administered by local, state, and federal agencies;~~

~~(viii) ensure effective collaboration between state and local child welfare programs and early childhood mental health programs and the Office of Early Learning;~~

~~(ix) develop and manage an effective data collection system to support the necessary functions of a coordinated system of early childhood education and child care in order to enable accurate evaluation of its impact;~~

~~(x) respect and be sensitive to family values and cultural heritage; and~~

~~(xi) establish the administrative framework for and promote the development of early childhood education and child care services in order to provide that these services, staffed by well-qualified professionals, are available in every community for all families that express a need for them.~~

~~In addition, the task force must consider the following responsibilities for transfer to the Office of Early Learning:~~

~~(A) responsibilities of the commissioner of education for early childhood education programs and financing under sections 119A.50 to 119A.535, 121A.16 to 121A.19, and 124D.129 to 124D.221;~~

~~(B) responsibilities of the commissioner of human services for child care assistance, child care development, and early childhood learning and child protection facilities programs and financing under chapter 119B and section 256E.37; and~~

~~(C) responsibilities of the commissioner of health for family home visiting programs and financing under section 145A.17.~~

~~Any costs incurred by the council in making these recommendations must be paid from private funds. If no private funds are received, the council must not proceed in making these~~

recommendations. The council must report its recommendations to the governor and the legislature by January 15, 2011;

(3) (2) review program evaluations regarding high-quality early childhood programs;

(4) (3) make recommendations to the governor and legislature, including proposed legislation on how to most effectively create a high-quality early childhood system in Minnesota in order to improve the educational outcomes of children so that all children are school-ready by 2020; and

(5) make recommendations to the governor and the legislature by March 1, 2011, on the creation and implementation of a statewide school readiness report card to monitor progress toward the goal of having all children ready for kindergarten by the year 2020. The recommendations shall include what should be measured including both children and system indicators, what benchmarks should be established to measure state progress toward the goal, and how frequently the report card should be published. In making their recommendations, the council shall consider the indicators and strategies for Minnesota's early childhood system report, the Minnesota school readiness study, developmental assessment at kindergarten entrance, and the work of the council's accountability committee. Any costs incurred by the council in making these recommendations must be paid from private funds. If no private funds are received, the council must not proceed in making these recommendations; and

(6) make recommendations to the governor and the legislature on how to screen earlier and comprehensively assess children for school readiness in order to provide increased early interventions and increase the number of children ready for kindergarten. In formulating their recommendations, the council shall consider (i) ways to interface with parents of children who are not participating in early childhood education or care programs, (ii) ways to interface with family child care providers, child care centers, and school-based early childhood and Head Start programs, (iii) if there are age-appropriate and culturally sensitive screening and assessment tools for three-, four-, and five-year-olds, (iv) the role of the medical community in screening, (v) incentives for parents to have children screened at an earlier age, (vi) incentives for early education and care providers to comprehensively assess children in order to improve instructional practice, (vii) how to phase in increases in screening and assessment over time, (viii) how the screening and assessment data will be collected and used and who will have access to the data, (ix) how to monitor progress toward the goal of having 50 percent of three-year-old children screened and 50 percent of entering kindergarteners assessed for school readiness by 2015 and 100 percent of three-year-old children screened and entering kindergarteners assessed for school readiness by 2020, and (x) costs to meet these benchmarks. The council shall consider the screening instruments and comprehensive assessment tools used in Minnesota early childhood education and care programs and kindergarten. The council may survey early childhood education and care programs in the state to determine the screening and assessment tools being used or rely on previously collected survey data, if available. For purposes of this subdivision, "school readiness" is defined as the child's skills, knowledge, and behaviors at kindergarten entrance in these areas of child development: social; self-regulation; cognitive, including language, literacy, and mathematical thinking; and physical. For purposes of this subdivision, "screening" is defined as the activities used to identify a child who may need further evaluation to determine delay in development or disability. For purposes of this subdivision, "assessment" is defined as the activities used to determine a child's level of performance in order to promote the child's learning and development. Work on this duty will begin in fiscal year 2012. Any costs incurred by the council in making these recommendations must be paid from private

~~funds. If no private funds are received, the council must not proceed in making these recommendations. The council must report its recommendations to the governor and legislature by January 15, 2013, with an interim report on February 15, 2011.~~

(4) review and provide input on the recommendations and implementation timelines developed by the Great Start For All Minnesota Children Task Force under Laws 2021, First Special Session chapter 7, article 14, section 18, subdivision 2.

Sec. 4. Minnesota Statutes 2022, section 124D.165, subdivision 2, is amended to read:

Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship, parents or guardians must have an eligible child and meet at least one of the following eligibility requirements:

~~(1) have an eligible child; and~~

~~(2) (1) have income equal to or less than 185 200 percent of federal poverty level income in the current calendar year; or;~~

~~(2) be able to document their child's current participation in the free and reduced-price ~~lunch~~ meal program or Child and Adult Care Food Program, National School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act of 2007; Minnesota family investment program under chapter 256J; child care assistance programs under chapter 119B; the supplemental nutrition assistance program; or ~~placement~~~~

~~(3) have a child referred as in need of child protection services or placed in foster care under section 260C.212.~~

(b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

~~(1) at least three but not yet five years of age on September 1 of the current school year;~~

~~(2) a sibling from birth to age five of a child who has been awarded a scholarship under this section provided the sibling attends the same program as long as funds are available;~~

~~(3) the child of a parent under age 21 who is pursuing a high school degree or a course of study for a high school equivalency test; or~~

~~(4) homeless, in foster care, or in need of child protective services.~~

(c) A child who has received a scholarship under this section must continue to receive a scholarship each year until that child is eligible for kindergarten under section 120A.20 and as long as funds are available.

(d) Early learning scholarships may not be counted as earned income for the purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota family investment program under chapter 256J, child care assistance programs under chapter 119B, or Head Start under the federal Improving Head Start for School Readiness Act of 2007.

(e) A child from an adjoining state whose family resides at a Minnesota address as assigned by the United States Postal Service, who has received developmental screening under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district, and whose family meets the criteria of paragraph (a) is eligible for an early learning scholarship under this section.

Sec. 5. Minnesota Statutes 2022, section 124D.165, subdivision 3, is amended to read:

Subd. 3. **Administration.** (a) The commissioner shall establish application timelines and determine the schedule for awarding scholarships that meets operational needs of eligible families and programs. The commissioner must give highest priority to applications from children who:

(1) are not yet four years of age;

~~(1)~~ (2) have a parent under age 21 who is pursuing a high school diploma or a course of study for a high school equivalency test;

~~(2)~~ (3) are in foster care or otherwise;

(4) have been referred as in need of child protection or services; or

(5) have an incarcerated parent; or

~~(3)~~ (6) have experienced homelessness in the last 24 months, as defined under the federal McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a.

(b) The commissioner may prioritize applications on additional factors including family income, geographic location, and whether the child's family is on a waiting list for a publicly funded program providing early education or child care services.

~~(b)~~ (c) The commissioner shall establish a target for the average scholarship amount per child based on the results of the rate survey conducted under section 119B.02.

~~(e)~~ (d) A four-star rated program that has children eligible for a scholarship enrolled in or on a waiting list for a program beginning in July, August, or September may notify the commissioner, in the form and manner prescribed by the commissioner, each year of the program's desire to enhance program services or to serve more children than current funding provides. The commissioner may designate a predetermined number of scholarship slots for that program and notify the program of that number. For fiscal year 2018 and later, the statewide amount of funding directly designated by the commissioner must not exceed the funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district or Head Start program qualifying under this paragraph may use its established registration process to enroll scholarship recipients and may verify a scholarship recipient's family income in the same manner as for other program participants.

~~(d)~~ (e) A scholarship is awarded for a 12-month period. If the scholarship recipient has not been accepted and subsequently enrolled in a rated program within ~~ten~~ three months of the awarding of the scholarship, the scholarship cancels and the recipient must reapply in order to be eligible for another scholarship. An extension can be requested if a program is unavailable for the child within the three-month timeline. A child may not be awarded more than one scholarship in a 12-month period.

(f) A child who receives a scholarship who has not completed development screening under sections 121A.16 to 121A.19 must complete that screening within 90 days of first attending an eligible program or within 90 days after the child's third birthday if awarded a scholarship under the age of three.

(g) For fiscal year 2017 and later, a school district or Head Start program enrolling scholarship recipients under paragraph (c) may apply to the commissioner, in the form and manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of the application, the commissioner must pay each program directly for each approved scholarship recipient enrolled under paragraph (c) according to the metered payment system or another schedule established by the commissioner.

Sec. 6. Minnesota Statutes 2022, section 125A.13, is amended to read:

**125A.13 SCHOOL OF PARENTS' CHOICE.**

(a) Nothing in this chapter must be construed as preventing parents of a child with a disability from sending the child to a school of their choice, if they so elect, subject to admission standards and policies adopted according to sections 125A.62 to 125A.64 and 125A.66 to 125A.73, and all other provisions of chapters 120A to 129C.

(b) The parent of a student with a disability not yet enrolled in kindergarten and not open enrolled in a nonresident district may ~~request that the resident district enter into a tuition agreement with~~ elect a school in the nonresident district if:

(1) where the child is enrolled in a Head Start program or a licensed child care setting in the nonresident district; and, provided

(2) the child can be served in the same setting as other children in the nonresident district with the same level of disability."

Amend the title numbers accordingly

And when so amended the bill do pass. 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 first Abeler motion to adopt a portion of the Cwodzinski amendment to S.F. No. 1311.

There were yeas 6 and nays 4, as follows:

Those who voted in the affirmative were:

Senators Boldon, Cwodzinski, Hauschild, Kunesh, Mann, and Maye Quade.

Those who voted in the negative were:

Senators Abeler, Coleman, Duckworth, and Wesenberg.

The motion prevailed.



Pursuant to Rule 12.10, upon the request of three members, a roll call was taken on the second Abeler motion to adopt a portion of the Cwodzinski amendment to S.F. No. 1311.

There were yeas 6 and nays 4, as follows:

Those who voted in the affirmative were:

Senators Boldon, Cwodzinski, Hauschild, Kunesh, Mann, and Maye Quade.

Those who voted in the negative were:

Senators Abeler, Coleman, Duckworth, and Wesenberg.

The motion prevailed.

**Senator Champion from the Committee on Jobs and Economic Development, to which was referred**

**S.F. No. 30:** A bill for an act relating to capital investment; establishing grant program to replace lead drinking water service lines; establishing grant program for mapping lead service lines; requiring report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 446A.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2022, section 144.383, is amended to read:

**144.383 AUTHORITY OF COMMISSIONER.**

In order to insure safe drinking water in all public water supplies, the commissioner has the following powers:

(a) To approve the site, design, and construction and alteration of all public water supplies and, for community and nontransient noncommunity water systems as defined in Code of Federal Regulations, title 40, section 141.2, to approve documentation that demonstrates the technical, managerial, and financial capacity of those systems to comply with rules adopted under this section;

(b) To enter the premises of a public water supply, or part thereof, to inspect the facilities and records kept pursuant to rules promulgated by the commissioner, to conduct sanitary surveys and investigate the standard of operation and service delivered by public water supplies;

(c) To contract with community health boards as defined in section 145A.02, subdivision 5, for routine surveys, inspections, and testing of public water supply quality;

(d) To develop an emergency plan to protect the public when a decline in water quality or quantity creates a serious health risk, and to issue emergency orders if a health risk is imminent;

(e) To promulgate rules, pursuant to chapter 14 but no less stringent than federal regulation, which may include the granting of variances and exemptions; and

(f) To maintain an asset management database of community public water supply systems, provide technical assistance to community systems, and ensure the lead service line inventory data is accessible to the public with relevant educational materials about health risks related to lead and ways to reduce exposure."

Page 1, line 13, before "The" insert "(a)"

Page 1, after line 20, insert:

"(b) All eligible recipients as part of the grant application process must apply to be listed on the Department of Health project priority list."

Page 1, line 21, before "An" insert "(a)"

Page 2, after line 5, insert:

"(b) Grant money used for removing and replacing lead drinking water service lines under paragraph (a), clause (1), must pay for 100 percent of the cost of replacing the privately owned portions of those lines."

(c) Grant money used for removing and replacing lead drinking water service lines under paragraph (a), clause (1), may pay for not more than 50 percent of the cost of replacing the publicly owned portions of those lines."

Page 2, delete subdivision 4

Renumber the subdivisions in sequence

Page 2, line 10, before "In" insert "(a)"

Page 2, line 18, delete the second "and"

Page 2, line 20, delete the period and insert "; and"

Page 2, after line 20, insert:

"(4) a description of how equity for disadvantaged groups was prioritized in designing the plan."

(b) The authority must use available money received under this section first for grants to repay debt incurred under paragraph (a), clause (2)."

Page 2, line 21, delete "75,000 customers" and insert "15,000 service connections"

Page 2, line 28, after the period, insert "The report must also include an estimate of the total cost to remove and replace all lead service lines in public drinking water systems in Minnesota, an estimate of the total cost to remove and replace all privately owned lead drinking water service lines in Minnesota, and a computation of the amount the estimates changed since the program was created. If either of the cost estimates changed since the most recent previous report was submitted, the report must include an explanation of the reasons the estimate changed."

Page 3, line 2, delete everything after "sections" and insert "177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45."

Page 3, line 3, delete "\$...... in fiscal year 2024" and insert "\$90,000,000 in fiscal year 2024, \$90,000,000 in fiscal year 2025, and \$80,000,000 in fiscal year 2026 and in each year thereafter"

Page 3, after line 5, insert:

"Subd. 10. **Mapping and inventory costs.** Of the amount appropriated in subdivision 8, the authority may spend up to ten percent for costs related to mapping and inventory activities that will be used in identifying lead service lines for replacement under this section. The authority may enter into interagency agreements with the Department of Health, including agreements to transfer funds, for the Department of Health to provide technical assistance to municipalities for producing an inventory of publicly and privately owned lead service lines and associated replacement plans within their jurisdiction. Any amounts not spent on mapping and inventory work must be used by the authority for replacement of lead service lines under this section."

Page 3, line 8, delete "2032" and insert "2033"

Page 3, after line 8, insert:

"Sec. 4. Minnesota Statutes 2022, section 446A.081, subdivision 8, is amended to read:

Subd. 8. **Loan conditions.** (a) When making loans from the drinking water revolving fund, the authority shall comply with the conditions of the federal Safe Drinking Water Act, including the criteria in this subdivision.

(b) Loans must be made at or below market interest rates, including zero interest loans, for terms not to exceed those allowed under the federal Safe Drinking Water Act.

(c) The annual principal and interest payments must begin no later than one year after completion of the project. Loans must be amortized no later than 20 years after project completion, unless the recipient's average annual residential drinking water system cost after completion of the project would exceed 1.2 percent of median household income in the recipient governmental unit or entity, in which case the loan must be fully amortized no later than 30 years after project completion.

(d) A loan recipient must identify and establish a dedicated source of revenue for repayment of the loan, and provide for a source of revenue to properly operate, maintain, and repair the water system.

(e) The fund must be credited with all payments of principal and interest on all loans, except the costs as permitted under section 446A.04, subdivision 5, paragraph (a).

(f) A loan may not be used to pay operating expenses or current obligations, unless specifically allowed by the federal Safe Drinking Water Act.

(g) A loan made by the authority must be secured by notes or bonds of the governmental unit and collateral to be determined by the authority for private borrowers.

(h) Notwithstanding any law or rule to the contrary, for projects to replace lead service lines, loan and grant agreements must not exceed ten years. The interest rate for loans to replace lead service lines shall be zero percent with principal payments commencing not later than 18 months after completion of the project.

Sec. 5. Minnesota Statutes 2022, section 446A.081, subdivision 9, is amended to read:

Subd. 9. **Other uses of fund.** (a) The drinking water revolving loan fund may be used as provided in the act, including the following uses:

(1) to buy or refinance the debt obligations, at or below market rates, of public water systems for drinking water systems, where the debt was incurred after the date of enactment of the act, for the purposes of construction of the necessary improvements to comply with the national primary drinking water regulations under the federal Safe Drinking Water Act;

(2) to purchase or guarantee insurance for local obligations to improve credit market access or reduce interest rates;

(3) to provide a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the authority if the bond proceeds are deposited in the fund;

(4) to provide loans or loan guarantees for similar revolving funds established by a governmental unit or state agency;

(5) to earn interest on fund accounts;

(6) to pay the reasonable costs incurred by the authority, the Department of Employment and Economic Development, and the Department of Health for conducting activities as authorized and required under the act up to the limits authorized under the act;

(7) to develop and administer programs for water system supervision, source water protection, and related programs required under the act;

(8) to provide principal forgiveness or grants to the extent permitted under the federal Safe Drinking Water Act and other federal law, based on the criteria and requirements established for drinking water projects under the water infrastructure funding program under section 446A.072;

(9) to provide loans, principal forgiveness or grants to the extent permitted under the federal Safe Drinking Water Act and other federal law to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities;

(10) to provide principal forgiveness, or grants for 80 percent of project costs up to a maximum of \$100,000 for projects needed to comply with national primary drinking water standards for an existing nonmunicipal community public water system; ~~and~~

(11) to provide principal forgiveness or grants to the extent permitted under the federal Safe Drinking Water Act and other federal laws ~~for 50 percent of the project costs up to a maximum of \$250,000~~ for projects to replace the privately owned portion of drinking water lead service lines; and

(12) to provide principal forgiveness or grants to the extent permitted under the federal Safe Drinking Water Act and other federal laws for 50 percent of project costs up to a maximum of \$3,000,000 for projects to address emerging contaminants in drinking water as defined by the United States Environmental Protection Agency.

(b) Principal forgiveness or grants provided under paragraph (a), clause (9), may not exceed 25 percent of the eligible project costs as determined by the Department of Health for project components directly related to green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities, up to a maximum of \$1,000,000."

Page 3, delete section 3

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "establishing" insert "a"

Page 1, line 3, delete "establishing grant program for mapping lead service lines;"

Page 1, line 4, after "requiring" insert "a"

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. Amendments adopted. Report adopted.

#### **Senator Dibble from the Committee on Transportation, to which was referred**

**S.F. No. 661:** A bill for an act relating to transportation; providing Indian employment preference for members of federally recognized Tribes on projects near Indian reservations; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Page 1, line 7, delete "104" and insert "140"

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

#### **Senator Dibble from the Committee on Transportation, to which was referred**

**S.F. No. 1529:** A bill for an act relating to legislative enactments; making miscellaneous technical corrections to laws and statutes; correcting obsolete text and references; amending Minnesota Statutes 2022, sections 168B.09, subdivision 2; 169.223, subdivision 4; 169.64, subdivision 9.

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

**Senator Dibble from the Committee on Transportation, to which was referred**

**S.F. No. 927:** A bill for an act relating to transportation; amending requirements for transporting petroleum products; amending Minnesota Statutes 2022, section 221.033, by adding a subdivision; repealing Minnesota Statutes 2022, section 221.033, subdivision 2c.

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

**Senator Dibble from the Committee on Transportation, to which was referred**

**S.F. No. 1025:** A bill for an act relating to transportation; amending the definition of qualifying agricultural products for special farm products permits; amending Minnesota Statutes 2022, section 169.865, subdivision 1a.

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

Page 1, line 16, delete "conditioned" and insert "raw" and delete "unconditioned" and insert "processed"

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

**Senator Dibble from the Committee on Transportation, to which was re-referred**

**S.F. No. 1296:** A bill for an act relating to electric vehicles; establishing preference for purchase of electric vehicles for state fleet; requiring certification of training of motor vehicle dealer employees; providing rebates for electric vehicle purchases; requiring certain utilities to file plans with the Public Utilities Commission to promote electric vehicles; awarding grants to automobile dealers to defray cost of manufacturer certification allowing electric vehicle sales; appropriating money; amending Minnesota Statutes 2022, sections 16B.58, by adding a subdivision; 16C.135, subdivision 3; 16C.137, subdivision 1; 168.27, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 216B; 216C; repealing Minnesota Statutes 2022, section 16B.24, subdivision 13.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Energy, Utilities, Environment, and Climate. Report adopted.

**Senator Dibble from the Committee on Transportation, to which was referred**

**S.F. No. 894:** A bill for an act relating to transportation; amending definition of qualifying agricultural products for purposes of special farm products permits; amending Minnesota Statutes 2022, section 169.865, subdivision 1a.

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

**Senator Dibble from the Committee on Transportation, to which was referred**

**S.F. No. 2323:** A bill for an act relating to transportation; modifying allowed uses for various accounts; establishing a bikeway; establishing an Indian employment preference; removing certain legislative routes; terminating certain mandated reports; authorizing direct negotiation for small

construction projects; amending appropriations; making technical and clarifying corrections; amending Minnesota Statutes 2022, sections 160.266, by adding a subdivision; 161.082, subdivision 2a; 161.115, subdivision 265, by adding a subdivision; 161.32, subdivision 2; 161.41; 162.07, subdivision 2; 162.13, subdivisions 2, 3; 174.38, subdivision 5; 174.40, subdivision 4a; 174.50, subdivision 7; 174.52, subdivisions 2, 4, 5; 222.50, subdivision 7; 360.55, subdivision 9; 360.59, subdivision 10; proposing coding for new law in Minnesota Statutes, chapters 161; 174; repealing Minnesota Rules, part 8835.0350, subpart 2.

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

Page 1, line 17, delete "North Star" and insert "Jim Oberstar" and delete "North Star" and insert "Jim Oberstar"

Page 3, line 22, delete "104" and insert "140"

Page 6, delete section 11

Renumber the sections in sequence

Amend the title accordingly

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

**Senator Dibble from the Committee on Transportation, to which was referred**

**S.F. No. 745:** A bill for an act relating to transportation; modifying special permit for hauling forest products; amending Minnesota Statutes 2022, section 169.8261.

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

Page 3, delete lines 5 and 6 and insert:

"(4) be operated under a permit issued by each road authority having jurisdiction over a road on which the vehicle is operated, if required by the road authority;"

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

**Senator McEwen from the Committee on Labor, to which was referred**

**S.F. No. 2476:** A bill for an act relating to employment; prohibiting an employer from forcing employees to attend political or religious meetings or otherwise listen to speech about politics and religion; proposing coding for new law in Minnesota Statutes, chapter 181.

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

**Senator Wiklund from the Committee on Health and Human Services, to which was referred**

**S.F. No. 1489:** A bill for an act relating to human services; establishing human services provider workplace safety grants; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. **HUMAN SERVICES PROVIDER WORKPLACE SAFETY GRANTS.**

Subdivision 1. **Establishment.** The commissioner of human services must establish a grant program for human services provider workplace safety grants to increase safety measures in facilities that provide behavioral health care, services for children, families, and vulnerable adults, services for older adults and people with disabilities, and other social services or related care.

Subd. 2. **Eligible applicants.** To be eligible for a grant under this section, applicants must be a county human services agency, tribal human services agency, or other human services provider organization or agency.

Subd. 3. **Applications.** (a) Entities seeking grants under this section must apply to the commissioner in a form and manner prescribed by the commissioner. The grant applicant, in its application, must include:

- (1) the type of entity that will receive funding through the grant;
- (2) the specific safety measures or activities for which the applicant will use the grant funds;
- (3) the specific policies that will be implemented or upheld to ensure that individuals' rights to privacy are protected when grant funds are used for eligible uses under subdivision 4;
- (4) a proposed budget for each of the specific activities the applicant will use the grant funds;
- (5) an outline of efforts to enhance existing or proposed safety measures that improve the safety of providers employed with the applicant;
- (6) sample consent forms for any safety equipment that has capacity to record, store, or share audio or video collected from individuals, excluding devices located in public spaces in a home or dwelling unit that the service provider owns, operates, or leases or in which the service provider has a direct or indirect financial interest;
- (7) how the grant-funded measures will lead to long-term improvements in safety and stability for providers employed with the applicant and individuals accessing the services; and
- (8) how the applicant will evaluate the effectiveness of implemented safety measures and changes.

(b) The commissioner must provide technical assistance to applicants throughout the application process and to grantees regarding grant distribution and required grantee reporting.



Subd. 4. Eligible uses. (a) Grant funds must be used on one or more of the following:

(1) the procurement and installation of safety equipment, which may include:

(i) cellular telephones;

(ii) personal radios;

(iii) wearable tracking devices for staff to share location with supervisors, subject to the Health Insurance Portability and Accountability Act (HIPAA) privacy rule under the Code of Federal Regulations, title 45, part 160 and part 164, subparts A and E;

(iv) security systems and cameras in public spaces in home or dwelling units that the service provider owns, operates, or leases or in which the service provider has a direct or indirect financial interest; and

(v) panic buttons;

(2) training for providers, which may include:

(i) sessions and exercises for crisis management, strategies for de-escalating conflict situations, safety planning, and self-defense in line with the positive supports rule under Minnesota Rules, chapter 9544, and person-centered planning and service delivery according to Minnesota Statutes, section 245D.07, subdivision 1a;

(ii) training in culturally informed and culturally affirming practice, including linguistic training;

(iii) training in trauma-informed social, emotional, and behavioral support; and

(iv) other training topics, sessions, and exercises related to safety the commissioner determines to be appropriate;

(3) facility safety improvements, which may include threat and vulnerability review and barrier protection;

(4) support services, counseling, and additional resources for human services providers who have experienced safety concerns or trauma-related incidents in the workplace;

(5) installation and implementation of an internal data incident tracking system to track and prevent workplace safety incidents; and

(6) other prevention and mitigation measures and safety training, resources, and provider support services the commissioner determines to be appropriate.

(b) Safety equipment allowed under subdivision 4, paragraph (a), clause (1), must not include:

(1) tools or devices that facilitate physical or chemical restraint;

(2) barriers, environmental modifications, or other tools or devices that facilitate individual seclusion, except plexiglass barriers in office settings are allowed;

(3) wearable body cameras; and

(4) wearable tracking devices with the capacity to store location data.

(c) Security cameras must only be used in staff spaces and entry points of buildings. Allowable use does not include common areas, bedrooms, and bathrooms.

(d) In settings where the positive supports rule applies, all safety equipment purchased with grant funds must comply with Minnesota Rules, chapter 9544.

(e) Facilities licensed under Minnesota Statutes, chapter 245D, must provide person-centered planning and service delivery according to Minnesota Statutes, section 245D.07, subdivision 1a.

(f) Any safety equipment purchased with grant funds under this section with the capacity for electronic monitoring must be used according to requirements under Minnesota Statutes, section 144.6502, or the brain injury, community alternative care, community access for disability inclusion, and developmental disabilities waiver plans.

(g) Prior to the use of safety equipment that has the capacity to record, store, and share audio, video, or a combination thereof, a grantee must:

(1) provide individuals receiving services with information about electronic monitoring in an accessible manner, including:

(i) a definition of electronic monitoring;

(ii) the type of device that will be in use;

(iii) how the footage captured will be used;

(iv) with whom the footage captured will be shared; and

(v) acknowledgment that the individual has the right to decline the use of safety equipment that has capacity to record, store, and share audio, video, or a combination thereof;

(2) provide notice every time electronic monitoring devices are in use; and

(3) obtain written consent from anyone, including, if applicable, guardians of individuals receiving services, whose audio or video may be recorded during the time the safety equipment is in use.

(h) In any setting in which home and community-based services are provided under title 19, sections 1915(c) and 1915(i) of the federal Social Security Act:

(1) use of safety equipment that has the capacity to record, store, or share audio, video, or a combination thereof, must cease immediately and indefinitely when an individual receiving services at any point declines the use of or revokes prior consent to the use of such equipment, or the individual's guardian declines such use or revokes prior consent on the individual's behalf; and

(2) the provision of services must not be denied or delayed as a result of an individual's decision to decline the use of safety equipment that has capacity to record, store, or share audio, video, or a combination thereof.

Subd. 5. **Data collection.** All video, audio, or other personally identifiable information collected through safety equipment paid for by this grant:

(1) is subject to the HIPAA privacy rule under the Code of Federal Regulations, title 45, part 160 and part 164, subparts A and E;

(2) is subject to applicable rules of evidence and procedure if admitted into evidence in a civil, criminal, or administrative proceeding; and

(3) must not result in the denial or delay of services provided to an individual.

Subd. 6. **Reports.** (a) Each grantee must submit a report to the commissioner by July 1, 2026, and such reports must include:

(1) the number of workplace safety incidents that occurred since the grantee received grant funds;

(2) the number and type of safety measures implemented with grant funding, and how those safety measures helped alleviate or deescalate workplace safety incidents;

(3) the number of employees who benefitted from the safety measures implemented with grant funding;

(4) the number of clients who benefitted from the safety measures implemented with grant funding;

(5) any other practices implemented concurrently with the safety measures to ensure the rights of individuals receiving services were upheld;

(6) how many individuals did not consent to the use of any safety equipment with the capacity to record, store, or share audio, video, or a combination thereof;

(7) an assessment on the effectiveness of the safety measures implemented with grant funding, including whether the grant funding lead to improved safety for workers and individuals receiving services; and

(8) any changes to the grantee's policy or practice that were made if the safety measures implemented with grant funding were deemed ineffective.

(b) The commissioner must submit a compilation of the reports by July 31, 2026, to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services, the Office of the Ombudsman for Long-Term Care, and the Office of the Ombudsman for Mental Health and Developmental Disabilities.

Subd. 7. **Grant administration.** (a) Grants must be awarded on a first-come, first-served basis to eligible applicants under subdivision 2 that meet the application requirements under subdivision 3.

(b) Each grant award must be for at least \$5,000 but no more than \$50,000 for each individual applicant.

Sec. 2. **APPROPRIATION; HUMAN SERVICES PROVIDER WORKPLACE SAFETY GRANTS.**

(a) \$10,000,000 in fiscal year 2024 and \$10,000,000 in fiscal year 2025 are appropriated from the general fund to the commissioner of human services for human services provider workplace safety grants under section 1. The unencumbered balance in the first year does not cancel but is available for the second year. This is a onetime appropriation.

(b) Of the amount appropriated in paragraph (a), 40 percent of grant funds in each fiscal year must be awarded to eligible applicants located outside of the seven-county metropolitan area."

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

**Senator Kunesh from the Committee on Education Finance, to which was re-referred**

**S.F. No. 579:** A bill for an act relating to education; modifying lead testing and remediation requirements in schools; requiring a report; appropriating money; amending Minnesota Statutes 2022, sections 121A.335; 123B.595, subdivisions 1, 2, 7, 8, 8a, 9.

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

Page 1, line 17, before "By" insert "(a)"

Page 1, after line 20, insert:

"(b) By July 1, 2024, a school district or charter school must revise its plan to include its policies and procedures for ensuring consistent water quality throughout the district's or charter school's facilities. The plan must document the routine water management strategies and procedures used in each building or facility to maintain water quality and reduce exposure to lead. A district or charter school must base the plan on the United States Environmental Protection Agency's "Ensuring Drinking Water Quality in Schools During and After Extended Closures" fact sheet and United States Environmental Protection Agency's "3Ts Toolkit for Reducing Lead in Drinking Water in Schools and Child Care Facilities." A district or charter school's plan must be publicly available upon request."

Page 2, line 6, strike "minimized" and insert "reduced to at or below five parts per billion as verified by a retest"

Page 2, line 8, strike "source" and insert "fixture"

Page 2, line 9, strike "source" and insert "fixture"

Page 2, line 10, strike "minimized" and insert "remediated, as verified by a retest"

Page 2, line 13, delete "less than" and insert "at or below"

Page 2, line 14, reinstate the stricken language and delete the new language

Page 2, line 22, after "annually" insert "as new testing or remediation information becomes available"

Page 2, line 26, strike "School districts and charter schools must follow the actions outlined in guidance"

Page 2, line 27, strike "from the commissioners of health and education."

Page 2, line 30, strike "below the level"

Page 2, line 31, strike "set in guidance" and insert "five parts per billion or less" and strike everything after the period

Page 2, strike line 32

Page 2, line 33, strike "minimized" and delete the new language

Page 2, line 34, delete the new language and strike the period

Page 3, line 1, after "(c)" insert "Starting July 1, 2024," and after "results" insert "and remediation activities"

Page 3, line 2, after "commissioner" insert "in consultation with school districts and charter schools by July 1 of each year" and delete everything after the period

Page 3, delete line 3

Page 3, line 4, delete "report its remediation efforts."

Page 3, after line 5, insert:

"(d) A district or charter school must maintain a record of lead testing results and remediation activities for at least 15 years."

Page 3, delete subdivision 6 and insert:

"Subd. 6. **Public water system.** (a) A district or charter school is not financially responsible for remediation of documented elevated lead levels in drinking water caused by the presence of lead infrastructure owned by a public water supply utility providing water to the school facility, such as lead service lines, meters, galvanized service lines downstream of lead, or lead connectors. The district or charter school must communicate with the public water system regarding its documented significant contribution to lead contamination in school drinking water and request from the public water system a plan for reducing the lead contamination.

(b) If the infrastructure is jointly owned by a district or charter school and a public water supply utility, the district or charter school must attempt to coordinate any needed replacements of lead service lines with the public water supply utility. Except in an emergency, in performing remediation under this section, a district or charter school or a public water supply utility must not perform a partial replacement of a lead service line. For purposes of this paragraph, "partial replacement" means replacing a portion of a service line without replacing the entire service line.

(c) A district or charter school may defer its remediation activities under this section until after the elevated lead level in the public water system's infrastructure is remediated and postremediation testing does not detect an elevated lead level in the drinking water that passes through that infrastructure. A district or charter school may also defer its remediation activities if the public water supply exceeds the federal Safe Drinking Water Act lead action level or is in violation of the Safe Drinking Water Act Lead and Copper Rule."

Page 3, line 20, delete everything after "section"

Page 3, line 21, delete "remediation"

Page 4, line 26, delete "approved"

Page 4, line 27, delete "by the commissioner of health"

Page 7, line 5, delete "grants to"

Page 7, line 6, delete "American Indian Tribal contract schools for"

Page 7, line 7, delete "....." and insert "263,000"

Page 7, line 8, delete "....." and insert "514,000"

Page 7, line 9, after "(b)" insert "Of the amounts in paragraph (a), for fiscal year 2025, \$200,000 is for grants to American Indian Tribal contract schools for lead remediation activities."

Page 7, line 15, delete "\$....." and insert "\$514,000, of which \$200,000 per year is for grants to American Indian Tribal contract schools for lead remediation activities"

Page 7, after line 15, insert:

"Subd. 3. **Additional long-term facilities maintenance revenue.** (a) For additional long-term facilities maintenance aid under Minnesota Statutes, section 123B.595, subdivision 2, for the purposes of lead remediation:

\$	<u>1,530,000</u>	<u>.....</u>	<u>2024</u>
\$	<u>425,000</u>	<u>.....</u>	<u>2025</u>

(b) The 2024 appropriation includes \$0 for 2023 and \$1,530,000 for 2024.

(c) The 2025 appropriation includes \$255,000 for 2024 and \$170,000 for 2025."

Renumber the subdivisions in sequence

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

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

**S.F. No. 1816:** A bill for an act relating to state government; providing deficiency funding for the Office of Administrative Hearings; appropriating money.

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

Page 1, line 8, after the period, insert "This is a onetime appropriation."

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

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

**S.F. No. 1367:** A bill for an act relating to housing; appropriating money for the family homeless prevention and assistance program; requiring a report.

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

Page 1, delete lines 15 to 21

Page 2, delete lines 1 to 4

Page 2, line 5, delete "(f)" and insert "(c)"

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

**Senator Hoffman from the Committee on Human Services, to which was referred**

**S.F. No. 1769:** A bill for an act relating to human services; allowing a nursing facility in Fergus Falls to receive the fair rental value property payment rate; amending Minnesota Statutes 2022, section 256R.53, by adding a subdivision.

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

**Senator Hoffman from the Committee on Human Services, to which was referred**

**S.F. No. 2282:** A bill for an act relating to human services; modifying provisions regarding Minnesota residents admitted to adjacent-state mental health facilities; amending Minnesota Statutes 2022, section 245.50, subdivision 5.

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

Page 2, line 24, reinstate "subdivision" and delete "subdivisions" and delete "and" and strike the first "7"

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

**Senator Hoffman from the Committee on Human Services, to which was referred**

**S.F. No. 2490:** A bill for an act relating to human services; modifying eligibility for recovery community organizations; creating a Minnesota Board of Recovery Services; providing rulemaking authority; establishing application fee; amending Minnesota Statutes 2022, section 254B.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 254B.

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

Page 2, line 3, strike "A recovery community organization"

Page 2, line 4, delete the new language

Page 2, line 5, delete the new language and strike the old language

Page 2, line 6, strike "(e)"

Page 2, delete subdivision 5

Renumber the subdivisions in sequence

Page 3, line 14, delete "six" and insert "five" and after "peer" insert "recovery" and delete "currently"

Page 3, line 15, after "Board" insert "with an active credential"

Page 3, line 16, delete everything after "be" and insert "certified peer recovery specialist supervisors certified under the Minnesota Certification Board with an active credential"

Page 3, line 17, delete everything before the semicolon

Page 3, line 18, delete "two" and insert "four" and delete everything after "be" and insert "currently employed by a Minnesota-based recovery community organization recognized by the commissioner of human services"

Page 3, line 19, delete "148F"

Page 3, line 20, delete "three" and insert "two" and after "214.02" insert ", and be either a family member of a person currently using substances or a person in recovery from a substance use disorder"

Page 4, line 7, after "organizations" insert "using nationally recognized best practices and standards"

Page 4, line 8, delete "credentialed recovery" and insert "eligible vendors of peer recovery services"

Page 4, line 9, delete "organizations"

Page 4, line 21, after "Minnesota" insert "or meets the eligibility criteria defined by the board"

Page 4, delete lines 22 to 25



Page 4, line 26, delete "(4)" and insert "(2)"

Page 4, line 28, delete "(5)" and insert "(3)"

Page 5, line 2, delete "Section 16A.1283 does not apply to fees established under this section."

Page 5, line 3, delete "generated" and delete "in an account"

Amend the title as follows:

Page 1, line 2, delete "eligibility for recovery community" and insert "peer recovery service vendor eligibility"

Page 1, line 3, delete "organizations"

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

**Senator McEwen from the Committee on Labor, to which was re-referred**

**S.F. No. 10:** A bill for an act relating to labor and industry; providing for use of skilled and trained contractor workforces at petroleum refineries; amending Minnesota Statutes 2022, section 177.27, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Page 2, line 3, delete "October 15, 2023" and insert "January 1, 2024"

Page 2, line 19, after "refinery" insert "in an apprenticeable occupation in the building and construction trades"

Page 2, line 23, delete "or"

Page 2, line 26, delete the period and insert "; or"

Page 2, after line 26, insert:

"(4) has at least five years of experience working in the applicable trade and is currently participating in journeyworker upgrade training in a registered apprenticeship program in the applicable trade or has completed any training identified as necessary by the registered apprenticeship training program for the employee to become a qualified journeyworker in the applicable trade."

Page 2, after line 32, insert:

"(f) "Apprenticeable occupation" means any trade, form of employment, or occupation approved for apprenticeship by the commissioner of labor and industry or the United States Secretary of Labor."

Page 3, line 1, delete "(f)" and insert "(g)"

Page 3, line 8, delete "all" and insert "that" and after the period, insert "The requirement to use a safe and skilled workforce under this section shall apply to each contractor and subcontractor of any tier when performing construction, alteration, demolition, installation, repair, maintenance, or hazardous material handling work at the site of the petroleum refinery."

Page 3, line 12, after "hired" insert "to install OEM equipment and"

Page 3, line 14, delete "an owner or operator's contracted" and insert "a contractor's"

Page 3, line 15, after "(d)" insert a comma

Page 3, line 16, delete "65" and insert "30" and delete "October 15, 2023" and insert "January 1, 2024"

Page 3, line 17, delete "75" and insert "45" and delete "October 15, 2024" and insert "January 1, 2025"

Page 3, line 18, delete "85" and insert "60" and delete "October 15, 2025" and insert "January 1, 2026"

Page 3, after line 18, insert:

"(e) If a contractor is required under a collective bargaining agreement to hire workers referred by a labor organization for the petroleum refinery worksite, and the labor organization is unable to refer sufficient workers for the contractor to comply with the applicable percentage provided in subdivision 2, paragraph (d), within 48 hours of the contractor's request excluding Saturdays, Sundays, and holidays, the contractor shall be relieved of the obligation to comply with the applicable percentage and shall use the maximum percentage of a skilled and trained workforce that is available to the contractor from the labor organization's referral procedure. The contractor shall comply with the applicable percentage provided in subdivision 2, paragraph (d), once the labor organization is able to refer sufficient workers for the contractor to comply with the applicable percentage.

(f) This section shall not apply to a contractor to the extent that an emergency makes compliance with this section impracticable for the contractor because the emergency requires immediate action by the contractor to prevent harm to public health or safety or to the environment. The requirements of this section shall apply to the contractor once the emergency ends or it becomes practicable for the contractor to obtain a skilled and trained workforce for the refinery worksite, whichever occurs sooner.

(g) An owner or operator is exempt from this section if:

(1) the owner or operator has entered into a project labor agreement with a council of building trades labor organizations requiring participation in registered apprenticeship programs, or all contractors and subcontractors of any tier have entered into bona fide collective bargaining agreements with labor organizations requiring participation in registered apprenticeship programs; and

(2) all contracted work at the petroleum refinery that is subject to this section is also subject to the project labor agreement or collective bargaining agreements requiring participation in such registered apprenticeship programs."

Page 3, line 22, after the period, insert "An owner or operator, contractor, or subcontractor of any tier shall be considered an employer for purposes of section 177.27."

Page 4, delete line 5 and insert:

"EFFECTIVE DATE. This section is effective January 1, 2024, and applies to contracts entered into, extended, or renewed on or after that date. Existing contracts entered into before January 1, 2024, must be renegotiated to comply with section 2 by January 1, 2025."

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

**Senator McEwen from the Committee on Labor, to which was re-referred**

**S.F. No. 413:** A bill for an act relating to retirement; establishing the Minnesota Secure Choice retirement program; proposing coding for new law as Minnesota Statutes, chapter 187.

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

Delete everything after the enacting clause and insert:

"Section 1. [187.01] MINNESOTA SECURE CHOICE RETIREMENT PROGRAM; CITATION.

This chapter shall be known as and may be cited as the "Minnesota Secure Choice Retirement Program Act."

Sec. 2. [187.03] DEFINITIONS.

Subdivision 1. **Applicability.** For purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Board.** "Board" or "board of directors" means the board of directors of the Minnesota Secure Choice retirement program.

Subd. 3. **Compensation.** "Compensation" means compensation within the meaning of Section 219(f)(1) of the Internal Revenue Code that is received by a covered employee from, or with respect to service performed for, a covered employer.

Subd. 4. **Contribution rate.** "Contribution rate" means the percentage of compensation withheld from a covered employee's compensation and deposited in an account established for the covered employee under the program.

Subd. 5. **Covered employee.** (a) "Covered employee" means a person who is employed by a covered employer and who satisfies any other criteria established by the board.

(b) Covered employee does not include:

(1) a person who, on December 31 of the preceding calendar year, was younger than 18 years of age;

(2) a person covered under the federal Railway Labor Act, as amended, United States Code, title 45, sections 151 et seq.;

(3) a person on whose behalf an employer makes contributions to a Taft-Hartley multiemployer pension trust fund; or

(4) a person employed by the government of the United States, another country, the state of Minnesota, another state, or any subdivision thereof.

Subd. 6. **Covered employer.** (a) "Covered employer" means a person or entity:

(1) engaged in a business, industry, profession, trade, or other enterprise in Minnesota, whether for profit or not for profit;

(2) that employs ten or more covered employees; and

(3) that does not sponsor or contribute to and did not in the immediately preceding 12 months sponsor or contribute to a retirement savings plan for its employees.

(b) Covered employer does not include:

(1) an employer that has not engaged in a business, industry, profession, trade, or other enterprise in Minnesota, whether for profit or not for profit, at any time during the immediately preceding 12 months; and

(2) a state or federal government or any political subdivision thereof.

(c) For purposes of this chapter in the case of a taxpaying employer described in section 268.046 that contracts with an employee leasing company, professional employer organization, or similar person for such person to obtain the taxpaying employer's workforce and provide workers to the taxpaying employer for a fee, the workers covered by such contract shall be treated as employed by the taxpaying employer and not by such other person. Nothing in this chapter shall prohibit a covered employer that is a taxpaying employer described in section 268.046 from contracting with an employee leasing company, professional employer organization, or similar person for such person to assist the taxpaying employer with the performance of some or all of such taxpaying employer's responsibilities as a covered employer under this chapter.

Subd. 7. **Executive director.** "Executive director" means the chief executive and administrative head of the program.

Subd. 8. **Internal Revenue Code.** "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended, United States Code, title 26.

Subd. 9. **Program.** "Program" means the Minnesota Secure Choice retirement program.

Subd. 10. **Retirement savings plan.** "Retirement savings plan" means a plan or program offered by an employer that permits contributions to be set aside for retirement on a pre tax or after-tax basis and permits all employees of the employer to participate except those employees who have not satisfied participation eligibility requirements that are no more restrictive than the eligibility requirements permitted under section 410(b) of the Internal Revenue Code. Retirement savings plan

includes but is not limited to a plan described in section 401(a) of the Internal Revenue Code, an annuity plan or annuity contract described in section 403(a) or 403(b) of the Internal Revenue Code, a plan within the meaning of section 457(b) of the Internal Revenue Code, a simplified employee pension (SEP) plan, a savings incentive match plan for employees (SIMPLE) plan, an automatic enrollment payroll deduction individual retirement account, and a multiemployer pension plan described in section 414(f) of the Internal Revenue Code.

Subd. 11. **Secure Choice administrative fund.** "Secure Choice administrative fund" or "administrative fund" means the fund established under section 187.06, subdivision 2.

Subd. 12. **Secure Choice trust.** "Secure Choice trust" or "trust" means a trust established under section 187.06, subdivision 1, to hold contributions and investment earnings thereon under the program.

Subd. 13. **Roth IRA.** "Roth IRA" means an individual retirement account established under section 408A of the Internal Revenue Code to hold and invest after-tax assets.

Subd. 14. **Traditional IRA.** "Traditional IRA" means an individual retirement account established under section 408 of the Internal Revenue Code to hold and invest pre tax assets.

### **Sec. 3. [187.05] SECURE CHOICE RETIREMENT PROGRAM.**

Subdivision 1. **Program established.** (a) The board must operate an employee retirement savings program whereby employee payroll deduction contributions are transmitted on an after-tax or pre tax basis by covered employers to individual retirement accounts established under the program.

(b) The board must establish procedures for opening a Roth IRA, a traditional IRA, or both a Roth IRA and a traditional IRA for each covered employee whose covered employer transmits employee payroll deduction contributions under the program.

(c) Contributions must be made on an after-tax (Roth) basis, unless the covered employee elects to contribute on a pre tax basis.

Subd. 2. **Compliance with Internal Revenue Code.** The board must establish and administer each Roth IRA and traditional IRA opened under the program in compliance with section 408A or 408 of the Internal Revenue Code, as applicable, for the benefit of the covered employee for whom the account was opened.

Subd. 3. **Contributions held in trust.** Each covered employer must transmit employee payroll deduction contributions to an account established for the benefit of the covered employee in a trust established to hold contributions under the program.

Subd. 4. **Contribution rate.** (a) The board must establish default, minimum, and maximum employee contribution rates and an escalation schedule to automatically increase each covered employee's contribution rate annually until the contribution rate is equal to the maximum contribution rate.

(b) A covered employee must have the right, annually or more frequently as determined by the board, to change the contribution rate, opt out or elect not to contribute, or cease contributions.

Subd. 5. **Vesting.** Covered employees are 100 percent vested in their accounts at all times.

Subd. 6. **Withdrawals and distributions.** The board must establish alternatives permitting covered employees to take a withdrawal of all or a portion of the covered employee's account while employed and one or more distributions following termination of employment. Distribution alternatives must include lifetime income options.

Subd. 7. **Individuals not employed by a covered employer.** The board may allow individuals to open and contribute to an account in the program, in which case the individual shall be considered a covered employee for purposes of sections 187.05 to 187.12.

Sec. 4. **[187.06] ESTABLISHMENT OF SECURE CHOICE TRUST AND ADMINISTRATIVE FUND; EMPLOYEE ACCOUNTS; INVESTMENTS.**

Subdivision 1. **Secure Choice trust established.** The Secure Choice trust is established as an instrumentality of the state to hold employee payroll deduction contributions and earnings on the contributions. The board must appoint a financial institution to act as trustee or custodian. The trustee or custodian must manage and administer trust assets for the exclusive purposes of providing benefits and defraying reasonable expenses of administering the program.

Subd. 2. **Secure Choice administrative fund established; money appropriated.** (a) The Secure Choice administrative fund is established in the state treasury as a fund separate and apart from the Secure Choice trust.

(b) The board of directors may assess administrative fees on each covered employee's account to be applied towards the expenses of administering the program. Money in the administrative fund is appropriated to the board to pay administrative expenses of administering the program if fees from the trust are not sufficient to cover expenses. The board must determine which administrative expenses will be paid using money in the administrative fund and which administrative expenses will be paid using money in the trust in the exercise of its fiduciary duty.

(c) The board may receive and deposit into the administrative fund any gifts, grants, donations, loans, appropriations, or other moneys designated for the administrative fund from the state, any unit of federal or local government, any other entity, or any person.

(d) Any interest or investment earnings that are attributable to money in the administrative fund must be deposited into the administrative fund.

Subd. 3. **Individual accounts established.** The trustee or custodian, as applicable, must maintain an account for employee payroll deduction contributions with respect to each covered employee. Interest and earnings on the amount in the account are credited to the account and losses are deducted.

Subd. 4. **Investments.** The board must make available for investment a diversified array of investment funds selected by the State Board of Investment. Members of the board, the executive director and members of the State Board of Investment, and all other fiduciaries are relieved of fiduciary responsibility for investment losses resulting from a covered employee's investment directions. Each covered employee is entitled to direct the investment of the contributions credited to the covered employee's account in the trust and earnings on the contributions into the array of investment funds selected by the State Board of Investment.

Subd. 5. **Default investment fund.** The board must designate a default investment fund that is diversified to minimize the risk of large losses and consists of target date funds, a balanced fund, a capital preservation fund, or any combination of the foregoing funds. Accounts for which no investment direction has been given by the covered employee must be invested in the default investment fund. Members of the board, the executive director of the State Board of Investment, and all other fiduciaries are relieved of fiduciary duty with regard to investment of assets in the default investment fund.

Subd. 6. **Inalienability of accounts.** No account under the program is subject to assignment or alienation, either voluntarily or involuntarily, or to the claims of creditors, except as provided in section 518.58.

Subd. 7. **Accounts not property of the state or covered employers.** The assets of the Secure Choice trust shall be preserved, invested, and expended solely for the purposes of the trust and no property rights in the trust assets shall exist in favor of the state or any covered employer. The assets of the Secure Choice trust shall not be transferred or used by the state for any purpose other than the purposes of the trust, including reasonable administrative expenses of the program. Amounts deposited in the trust shall not constitute property of the state and shall not be commingled with state funds, and the state shall have no claim to or against, or interest in, the assets of the Secure Choice trust.

**Sec. 5. [187.07] RESPONSIBILITIES OF COVERED EMPLOYERS.**

Subdivision 1. **Requirement to enroll employees.** Each covered employer must enroll its covered employees in the program and withhold payroll deduction contributions from each covered employee's paycheck, unless the covered employee has elected not to contribute. The board must establish penalties for covered employers for failing to enroll covered employees.

Subd. 2. **Remitting contributions.** A covered employer must timely remit contributions as required by the board. The board must establish penalties for covered employers for failing to timely remit contributions.

Subd. 3. **Distribution of information.** Covered employers must provide information prepared by the board to all covered employees regarding the program. The information must be provided to each covered employee at least 30 days prior to the date of the first paycheck from which employee contributions could be deducted for transmittal to the program, if the covered employee does not elect to opt out of the program.

Subd. 4. **No fiduciary responsibility.** Except for the responsibilities described in subdivisions 1 to 3, a covered employer has no obligations to covered employees and is not a fiduciary for any purpose under the program or in connection with the Secure Choice trust. Covered employers are not responsible for the administration, investment performance, plan design, or benefits paid to covered employees.

Subd. 5. **Employer liability.** A covered employer is not liable to a covered employee for damages alleged to have resulted from a covered employee's participation in or failure to participate in the program.

Subd. 6. **Enforcement.** (a) The board must establish monthly or quarterly penalties against any covered employer that fails to comply with subdivisions 1, 2, and 3. The penalties for a failure to comply with subdivision 2 shall be commensurate with penalties for failure to remit state payroll taxes and, for any compliance failure, commensurate with penalties imposed under similar programs in other states.

(b) At the request of the board, the attorney general shall enforce the penalties imposed by the board against a covered employer. Proceeds of such penalties, after deducting enforcement expenses, must be deposited in the Secure Choice administrative fund and are appropriated to the program.

(c) The board must provide covered employers with written warnings for the first year of noncompliance before assessing penalties.

**Sec. 6. [187.08] SECURE CHOICE RETIREMENT PROGRAM BOARD OF DIRECTORS.**

Subdivision 1. **Membership.** The policy-making function of the program is vested in a board of directors consisting of seven members as follows:

(1) the executive director of the Minnesota State Retirement System or the executive director's designee;

(2) the executive director of the State Board of Investment or the executive director's designee;

(3) three members chosen by the Legislative Commission on Pensions and Retirement, one from each of the following experience categories:

(i) executive or operations manager with substantial experience in record keeping 401(k) plans;

(ii) executive or operations manager with substantial experience in individual retirement accounts;  
and

(iii) executive or other professional with substantial experience in retirement plan investments;

(4) a human resources or retirement benefits executive from a private company with substantial experience in administering the company's 401(k) plan, appointed by the governor; and

(5) a small business owner or executive appointed by the governor.

Subd. 2. **Appointment.** Members appointed by the governor must be appointed as provided in section 15.0597.

Subd. 3. **Membership terms.** (a) Board members serve for two-year terms, except for the executive directors of the Minnesota State Retirement System and the State Board of Investment, who serve indefinitely.

(b) Board members' terms may be renewed, but no member may serve more than two consecutive terms.

Subd. 4. **Resignation; removal; vacancies.** (a) A board member may resign at any time by giving written notice to the board.



(b) A board member may be removed by the appointing authority and a majority vote of the board following notice and hearing before the board. For purposes of this subdivision, the chair may invite the appointing authority or a designee of the appointing authority to serve as a voting member of the board if necessary to constitute a quorum.

(c) If a vacancy occurs, the Legislative Commission on Pensions and Retirement or the governor, as applicable, shall appoint a new member within 90 days.

Subd. 5. **Compensation.** Public members are compensated and expenses reimbursed as provided under section 15.0575, subdivision 3.

Subd. 6. **Chair.** The board shall select a chair from among its members. The chair shall serve a two-year term. The board may select other officers as necessary to assist the board in performing the board's duties.

Subd. 7. **Executive director; staff.** The board must appoint an executive director, determine the duties of the director, and set the compensation of the executive director. The board may also hire staff as necessary to support the board in performing its duties.

Subd. 8. **Duties.** In addition to the duties set forth elsewhere in this chapter, the board has the following duties:

(1) to establish secure processes for enrolling covered employees in the program and for transmitting employee and employer contributions to accounts in the trust;

(2) to prepare a budget and establish procedures for the payment of costs of administering and operating the program;

(3) to lease or otherwise procure equipment necessary to administer the program;

(4) to procure insurance in connection with the property of the program and the activities of the board, executive director, and other staff;

(5) to determine the following:

(i) any criteria for "covered employee" other than employment with a covered employer under section 187.03, subdivision 5;

(ii) contribution rates and an escalation schedule under section 187.05, subdivision 4;

(iii) withdrawal and distribution options under section 187.05, subdivision 6; and

(iv) the default investment fund under section 187.06, subdivision 5;

(6) to keep annual administrative fees, costs, and expenses as low as possible:

(i) except that any administrative fee assessed against the accounts of covered employees may not exceed a reasonable amount relative to the fees charged by auto-IRA or defined contribution programs of similar size in the state of Minnesota or another state; and

(ii) the fee may be asset-based, flat fee, or a hybrid combination of asset-based and flat fee;

(7) to determine the eligibility of an employer, employee, or other individual to participate in the program and review and decide claims for benefits and make factual determinations;

(8) to prepare information regarding the program that is clear and concise for dissemination to all covered employees and includes the following:

(i) the benefits and risks associated with participating in the program;

(ii) procedures for enrolling in the program and opting out of the program, electing a different or zero percent employee contribution rate, making investment elections, applying for a distribution of employee accounts, and making a claim for benefits;

(iii) the federal and state income tax consequences of participating in the program, which may consist of or include the disclosure statement required to be distributed by retirement plan trustees or custodians under the Internal Revenue Code and the Treasury Regulations thereunder;

(iv) how to obtain additional information on the program; and

(v) disclaimers of covered employer and state responsibility, including the following statements:

(A) covered employees seeking financial, investment, or tax advice should contact their own advisors;

(B) neither covered employers nor the state of Minnesota are liable for decisions covered employees make regarding their account in the program;

(C) neither a covered employer nor the state of Minnesota guarantees the accounts in the program or any particular investment rate of return; and

(D) neither a covered employer nor the state of Minnesota monitors or has an obligation to monitor any covered employee's eligibility under the Internal Revenue Code to make contributions to an account in the program, or whether the covered employee's contributions to an account in the program exceed the maximum permissible contribution under the Internal Revenue Code;

(9) to publish an annual financial report, prepared according to generally accepted accounting principles, on the operations of the program, which must include but not be limited to costs attributable to the use of outside consultants, independent contractors, and other persons who are not state employees and deliver the report to the chairs and ranking minority members of the legislative committees with jurisdiction over jobs and economic development and state government finance, the executive directors of the State Board of Investment and the Legislative Commission on Pensions and Retirement, and the Legislative Reference Library;

(10) to publish an annual report regarding plan outcomes, progress toward savings goals established by the board, statistics on covered employees and participating employers, plan expenses, estimated impact of the program on social safety net programs, and penalties and violations and deliver the report to the chairs and ranking minority members of the legislative committees with jurisdiction over jobs and economic development and state government finance, the executive

directors of the State Board of Investment and the Legislative Commission on Pensions and Retirement, and the Legislative Reference Library;

(11) to file all reports required under the Internal Revenue Code or chapter 290;

(12) to, at the board's discretion, seek and accept gifts, grants, and donations to be used for the program, unless such gifts, grants, or donations would result in a conflict of interest relating to the solicitation of service provider for program administration, and deposit such gifts, grants, or donations in the Secure Choice administrative fund;

(13) to, at the board's discretion, seek and accept appropriations from the state or loans from the state or any agency of the state;

(14) to assess the feasibility of partnering with another state or a governmental subdivision of another state to administer the program through shared administrative resources and, if determined beneficial, enter into contracts, agreements, memoranda of understanding, or other arrangements with any other state or an agency or subdivision of any other state to administer, operate, or manage any part of the program, which may include combining resources, investments, or administrative functions;

(15) to hire, retain, and terminate third-party service providers as the board deems necessary or desirable for the program, including but not limited to the trustees, consultants, investment managers or advisors, custodians, insurance companies, recordkeepers, administrators, consultants, actuaries, legal counsel, auditors, and other professionals, provided that each service provider is authorized to do business in the state;

(16) to interpret the program's governing documents and this chapter and make all other decisions necessary to administer the program;

(17) to conduct comprehensive employer and worker education and outreach regarding the program that reflect the cultures and languages of the state's diverse workforce population, which may, in the board's discretion, include collaboration with state and local government agencies, community-based and nonprofit organizations, foundations, vendors, and other entities deemed appropriate to develop and secure ongoing resources; and

(18) to prepare notices for delivery to covered employees regarding the escalation schedule and to each covered employee before the covered employee is subject to an automatic contribution increase.

Subd. 9. **Rules.** The board of directors is authorized to adopt rules as necessary to implement this chapter.

Subd. 10. **Conflict of interest; economic interest statement.** No member of the board may participate in deliberations or vote on any matter before the board that will or is likely to result in direct, measurable economic gain to the member or the member's family. Members of the board shall file with the Campaign Finance and Public Disclosure Board an economic interest statement in a manner as prescribed by section 10A.09, subdivisions 5 and 6.

Sec. 7. **[187.09] FIDUCIARY DUTY; STANDARD OF CARE.**

(a) The members of the board, the executive director of the program, the executive director and members of the State Board of Investment, and any person who controls the disposition or investment of the assets of the Secure Choice trust:

(1) owe a fiduciary duty to the covered employees who participate in the program and their beneficiaries;

(2) must administer the program solely for the exclusive benefit of such covered employees and their beneficiaries, and for the exclusive purpose of providing benefits and paying reasonable plan expenses;

(3) are subject to the standard of care established in section 356A.04, subdivision 2; and

(4) are indemnified and held harmless by the state of Minnesota for the reasonable costs, expenses, or liability incurred as a result of any actual or threatened litigation or administrative proceeding arising out of the performance of the person's duties.

(b) Except as otherwise established in this chapter, the fiduciaries under paragraph (a) owe no other duty to covered employees, express or implied, in common law or otherwise.

**Sec. 8. [187.10] NO STATE LIABILITY.**

The state has no liability for the payment of, the amount of, or losses to any benefit to any participant in the program.

**Sec. 9. [187.11] OTHER STATE AGENCIES TO PROVIDE ASSISTANCE.**

(a) The board may enter into intergovernmental agreements with the commissioner of revenue, the commissioner of labor and industry, and any other state agency that the board deems necessary or appropriate to provide outreach, technical assistance, or compliance services. An agency that enters into an intergovernmental agreement with the board pursuant to this section must collaborate and cooperate with the board to provide the outreach, technical assistance, or compliance services under any such agreement.

(b) The commissioner of administration must provide office space in the Capitol complex for the executive director and staff of the program.

**Sec. 10. MINNESOTA SECURE CHOICE RETIREMENT PROGRAM; START OF OPERATIONS.**

Subdivision 1. **Program start; phasing.** (a) The board of directors of the Minnesota Secure Choice retirement program must begin operation of the secure choice retirement program under Minnesota Statutes, section 187.05, by January 1, 2025.

(b) The board of directors must open the program in phases, and the last phase must be opened no later than two years after the opening of the first phase.

Subd. 2. **Board appointments; first meeting.** Appointing authorities must make appointments to the board of directors under Minnesota Statutes, section 187.08, by January 15, 2024. The Legislative Commission on Pensions and Retirement must designate one member of the board to

convene the first meeting of the board of directors by March 1, 2024. At the first meeting, the board shall elect a chair.

Sec. 11. **BOARD SUPPORT UNTIL APPOINTMENT OF EXECUTIVE DIRECTOR.**

With the assistance of the Legislative Coordinating Commission, the executive director of the Legislative Commission on Pensions and Retirement must:

(1) provide notice to members of the board regarding the first meeting of the board and work with the chair designated under Minnesota Statutes, section 187.08, subdivision 7, to determine the agenda and provide meeting support; and

(2) serve as the interim executive director to assist the board until the board completes the search, recruitment, and interview process and appoints the executive director under Minnesota Statutes, section 187.08, subdivision 8.

Sec. 12. **TRANSFERS.**

\$. . . . . in fiscal year 2024 and \$. . . . . in fiscal year 2025 are transferred from the general fund to the Secure Choice administrative fund established under Minnesota Statutes, section 187.06, to establish and administer the Secure Choice retirement program. The base for this transfer is \$. . . . . in fiscal year 2026, \$. . . . . in fiscal year 2027, and \$0 in fiscal year 2028 and thereafter.

Sec. 13. **EFFECTIVE DATE.**

Sections 1 to 4 and 6 to 12 are effective the day following final enactment. Section 5 is effective the day after the Secure Choice retirement program board of directors opens the Secure Choice retirement savings program for enrollment of covered employees."

Amend the title accordingly

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

**Senator McEwen from the Committee on Labor, to which was referred**

**S.F. No. 2216:** A bill for an act relating to employment; prohibiting restrictive franchise agreements; amending Minnesota Statutes 2022, section 177.27, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 181.

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

**Senator McEwen from the Committee on Labor, to which was referred**

**S.F. No. 1599:** A bill for an act relating to career preparedness; supporting and strengthening the career pathways program; appropriating money.

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

**Senator Murphy from the Committee on State and Local Government and Veterans, to which was referred**

**S.F. No. 2159:** A bill for an act relating to metropolitan government; clarifying application of environmental review statutes to regional and local comprehensive land use planning; amending Minnesota Statutes 2022, section 473.145; proposing coding for new law in Minnesota Statutes, chapter 473.

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

**Senator Klein from the Committee on Commerce and Consumer Protection, to which was referred**

**S.F. No. 1772:** A bill for an act relating to insurance; modifying provisions governing automobile self-insurance; amending Minnesota Statutes 2022, section 65B.48, subdivision 3.

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

Delete everything after the enacting clause and insert:

**"Section 1. AUTOMOTIVE SELF-INSURANCE; RULES AMENDMENT; EXPEDITED RULEMAKING.**

Subdivision 1. **Self-insurance working capital condition.** The commissioner of commerce must amend Minnesota Rules, part 2770.6500, subpart 2, item B, subitem (5), to require the commissioner's grant of self-insurance authority to an applicant to be based on the applicant's net working capital in lieu of the applicant's net funds flow.

Subd. 2. **Commissioner discretion to grant self-insurance authority.** The commissioner of commerce must amend Minnesota Rules, part 2770.6500, subpart 2, item D, to, notwithstanding any other provision of Minnesota Rules, part 2770.6500, permit the commissioner to grant self-insurance authority to an applicant that is not a political subdivision and that has not had positive net income or positive working capital in at least three years of the last five-year period if the applicant's working capital, debt structure, profitability, and overall financial integrity of the applicant and its parent company, if one exists, demonstrate a continuing ability of the applicant to satisfy any financial obligations that have been and might be incurred under the no-fault act.

Subd. 3. **Working capital.** The commissioner of commerce must define working capital for the purposes of Minnesota Rules, part 2770.6500.

Subd. 4. **Commissioner discretion to revoke self-insurance authority.** The commissioner of commerce must amend Minnesota Rules, part 2770.7300, to permit, in lieu of require, the commissioner to revoke a self-insurer's authorization to self-insure based on the commissioner's determinations under Minnesota Rules, part 2770.7300, items A and B.

Subd. 5. **Expedited rulemaking authorized.** The commissioner of commerce may use the expedited rulemaking process under Minnesota Statutes, section 14.389, to amend rules under this section."

Amend the title as follows:

Page 1, line 2, delete everything after the first semicolon and insert "requiring the commissioner of commerce to modify rules relating to automotive self-insurance; authorizing expedited rulemaking."

Amend the title numbers accordingly

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

**Senator Klein from the Committee on Commerce and Consumer Protection, to which was referred**

**S.F. No. 1871:** A bill for an act relating to insurance; modifying provisions governing life insurance; amending Minnesota Statutes 2022, sections 61A.031; 61A.60, subdivision 3.

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 2022, section 61A.031, is amended to read:

**61A.031 SUICIDE PROVISIONS.**

(a) The sanity or insanity of a person shall not be a factor in determining whether a person committed suicide within the terms of an individual or group life insurance policy regulating the payment of benefits in the event of the insured's suicide. This ~~section~~ paragraph shall not be construed to alter present law but is intended to clarify present law.

(b) A life insurance policy or certificate issued or delivered in this state may exclude or restrict liability for any death benefit in the event the insured dies as a result of suicide within one year from the date of the issue of the policy or certificate. Any exclusion or restriction shall be clearly stated in the policy or certificate. Any life insurance policy or certificate which contains any exclusion or restriction under this paragraph shall also provide that in the event any death benefit is denied because the insured dies as a result of suicide within one year from the date of issue of the policy or certificate, the insurer shall refund all premiums paid for coverage providing the denied death benefit on the insured.

**EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to policies issued on or after that date."

Page 2, line 26, delete the new language and reinstate the stricken language

Page 2, after line 33, insert:

**EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to policies issued on or after that date."

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

**Senator Klein from the Committee on Commerce and Consumer Protection, to which was referred**

**S.F. No. 1949:** A bill for an act relating to gambling; authorizing and providing for sports betting; establishing licenses; prohibiting local restrictions; providing for taxation of sports betting; providing civil and criminal penalties; providing for amateur sports grants; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 245.98, subdivision 2; 260B.007, subdivision 16; 609.75, subdivisions 3, 4, 7, by adding a subdivision; 609.755; 609.76, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 240A; 299L; 609; proposing coding for new law as Minnesota Statutes, chapter 297J.

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

Page 1, line 22, delete the second "or"

Page 2, line 2, delete the period and insert "; or"

Page 2, after line 2, insert:

"(4) the performance of an individual athlete participating in a single game or match of a collegiate team."

Page 18, delete lines 23 and 24

Page 18, line 25, delete "(c)" and insert "(b)"

Page 21, after line 29, insert:

"Subd. 4. **Notice.** The commissioner shall notify a person whose name has been added to the exclusion list under subdivision 1, paragraph (a), clause (2), (3), or (4)."

Page 23, delete lines 26 and 27

Page 23, line 28, delete "(c)" and insert "(b)" and delete "paragraphs (a) and" and insert "paragraph (a)"

Page 23, line 29, delete "(b)"

Page 29, line 7, delete the period and insert "; and"

Page 29, delete lines 8 to 10

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

**Senator Klein from the Committee on Commerce and Consumer Protection, to which was referred**

**S.F. No. 1866:** A bill for an act relating to financial institutions; modifying provisions governing emergency closures; eliminating certain examination requirements; amending Minnesota Statutes



2022, section 47.0153, subdivision 1; repealing Minnesota Statutes 2022, section 48.10; Minnesota Rules, parts 2675.2610, subparts 1, 3, 4; 2675.2620, subparts 1, 2, 3, 4, 5; 2675.2630, subpart 3.

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

**Senator Carlson from the Committee on Elections, to which was referred**

**S.F. No. 2270:** A bill for an act relating to elections; providing for ranked choice voting in elections for federal and state offices; establishing a Statewide Ranked Choice Voting Implementation Task Force; authorizing jurisdictions to adopt ranked choice voting for local offices; establishing procedures for adoption, implementation, and use of ranked choice voting for local jurisdictions; allowing local jurisdictions to use electronic voting systems with a reallocation feature; authorizing rulemaking; requiring a report; appropriating money; amending Minnesota Statutes 2022, sections 204B.35, subdivision 1; 204C.19, by adding a subdivision; 204C.21, by adding a subdivision; 204C.24, subdivision 1; 204D.11, subdivision 1; 205.13, subdivision 2; 206.57, subdivision 6; 206.58, subdivision 1; 206.83; 211A.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 206; proposing coding for new law as Minnesota Statutes, chapter 204E.

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

Delete everything after the enacting clause and insert:

**"ARTICLE 1**

**STATEWIDE RANKED CHOICE VOTING IMPLEMENTATION TASK FORCE;  
APPROPRIATION**

Section 1. **STATEWIDE RANKED CHOICE VOTING IMPLEMENTATION TASK FORCE.**

Subdivision 1. **Scope.** A Statewide Ranked Choice Voting Implementation Task Force is established. The purpose of the task force is to engage election officials and recommend statewide standards for ranked choice voting tabulation and reporting processes and a timetable for implementation in federal and state elections.

Subd. 2. **Membership.** (a) The task force consists of:

(1) the secretary of state, or designee;

(2) the state election director;

(3) three representatives of counties, appointed by the Minnesota Association of County Officers, as follows:

(i) one representative from the seven-county metropolitan area;

(ii) one representative from outside the seven-county metropolitan area; and

(iii) one representative from a jurisdiction that has implemented ranked choice voting;

- (4) three representatives of cities, appointed by the League of Minnesota Cities, as follows:
  - (i) one representative from the seven-county metropolitan area;
  - (ii) one representative from outside the seven-county metropolitan area; and
  - (iii) one representative from a jurisdiction that has implemented ranked choice voting;
- (5) one member of the house of representatives appointed by the speaker of the house;
- (6) one member of the senate appointed by the majority leader of the senate;
- (7) one member of the house of representatives appointed by the minority leader of the house;
- (8) one member of the senate appointed by the minority leader of the senate;
- (9) four representatives of community-based organizations with demonstrated experience and interest in voting methods and election administration, appointed by the governor;
- (10) one representative of a labor union appointed by the governor;
- (11) three representatives appointed by the Association of Minnesota Counties, as follows:
  - (i) one representative from the seven-county metropolitan area; and
  - (ii) two representatives from outside the seven-county metropolitan area;
- (12) one representative appointed by the Council on Asian Pacific Minnesotans;
- (13) one representative appointed by the Minnesota Council on Latino Affairs;
- (14) one representative appointed by the Council for Minnesotans of African Heritage;
- (15) one representative appointed by the Indian Affairs Council;
- (16) one representative appointed by the Minnesota Council on Disability; and
- (17) one representative appointed by the Minnesota Commission of the Deaf, DeafBlind, and Hard of Hearing.

The cochairs of the task force are encouraged to request the participation of at least two members of Minnesota's congressional delegation, or their designees, including one member of the United States House of Representatives and one member of the United States Senate. These members serve as ex officio, nonvoting members of the task force.

- (b) Members of the task force are governed by Minnesota Statutes, section 15.059, subdivision 6.

Subd. 3. **Organization.** (a) Appointments to the task force must be made no later than August 1, 2023. No later than August 15, 2023, a designee appointed by the speaker of the house must

convene the first meeting of the task force. The members appointed by the speaker of the house and the majority leader of the senate serve as cochairs.

(b) The task force must meet at least monthly until the first report is submitted to the legislature. After submission of the first report, the task force must meet regularly.

(c) The task force is subject to chapter 13D.

Subd. 4. **Staff.** The Legislative Coordinating Commission must provide support staff, office space, and administrative services for the task force.

Subd. 5. **Reports.** By February 15, 2024, January 15, 2025, February 15, 2026, and January 15, 2027, the task force must submit reports to the chairs and ranking minority members of the legislative committees with jurisdiction over elections. The report due by January 15, 2027, is the final report of the task force unless the task force, by majority vote, deems an earlier report to be the final report. Each report must include the following information or a statement that the task force has not reached agreement on an item:

(1) a recommended date for implementation of statewide ranked choice voting;

(2) recommendations on the standards and rules that would be needed for requirements and procedures to implement statewide ranked choice voting;

(3) draft legislation to implement statewide ranked choice voting;

(4) identification of any educational needs for public awareness and training for election officials, candidates, and the public, with a particular focus on communities with language barriers or new voters;

(5) a summary of the status of current voting equipment across the state to conduct ranked choice voting elections and recommendations for upgrading technology, where necessary or prudent; and

(6) recommended appropriations required to implement statewide ranked choice voting, including equipment and software, education, and training.

Subd. 6. **Sunset.** The task force expires June 30, 2027, or upon submission of the task force's final report, whichever is earlier.

Subd. 7. **Appropriation.** \$..... in fiscal year 2024 is appropriated from the general fund to the Legislative Coordinating Commission to support the work of the task force. This appropriation is available until June 30, 2027.

**EFFECTIVE DATE.** This section is effective July 1, 2023, provided that the designated appointing authorities may take actions necessary to name members to serve on the task force beginning the day following final enactment of this act.

## ARTICLE 2

## RANKED CHOICE VOTING IMPLEMENTATION

Section 1. [204E.01] APPLICABILITY.

This chapter applies to all elections conducted using ranked choice voting. Except as otherwise provided by this chapter, Minnesota election law applies to elections conducted using ranked choice voting.

Sec. 2. [204E.02] DEFINITIONS.

Subdivision 1. **Application.** For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Active candidate.** "Active candidate" means any candidate who has not been defeated or elected and is not a withdrawn candidate.

Subd. 3. **Batch elimination.** "Batch elimination" means a simultaneous defeat of multiple continuing candidates that have no mathematical chance of being elected.

Subd. 4. **Cast vote record.** "Cast vote record" means the tabulatable record of all aggregated votes produced by a single voter in one voting session. For ballots on which voters have indicated a write-in choice, the finalized cast vote record indicates whether the write-in choice was cast for one of the declared write-in candidates, and if so, which one.

Subd. 5. **Duplicate ranking.** "Duplicate ranking" means a voter has ranked the same candidate at multiple rankings for the office being counted.

Subd. 6. **Inactive ballot.** "Inactive ballot" means a ballot that does not count for any candidate in a given round of tabulation as provided in section 204E.06 or 204E.07.

Subd. 7. **Hand count election.** "Hand count election" means an election in which all tabulation of ballots is done by hand, regardless of whether the ballots are cast in a polling place or as absentee or mail ballots.

Subd. 8. **Highest continuing ranking.** "Highest continuing ranking" means the ranking on a voter's ballot with the lowest numerical value for a continuing candidate.

Subd. 9. **Local election official.** "Local election official" means the county auditor or municipal clerk responsible for duties related to election administration in the applicable jurisdiction. Where more than one jurisdiction is involved, the local election in the jurisdiction with a greater population is the local election official for the purpose of administering the ranked choice voting election.

Subd. 10. **Mathematically impossible to be elected.** "Mathematically impossible to be elected" means:

(1) the candidate cannot be elected because the candidate's surplus votes and current vote total plus the surplus votes and votes of all other candidates in the current round with fewer votes or an

equal number of votes would not be enough to surpass the candidate with the next higher current vote total; or

(2) the candidate has a lower current vote total than a candidate who is described by clause (1).

Subd. 11. **Maximum possible threshold.** "Maximum possible threshold" means the number of votes sufficient for a candidate to be elected under a first ranked choice tabulation under sections 204E.06 and 204E.07. Maximum possible threshold equals:

(1) the sum of the total ballots cast that include votes, undervotes, skipped rankings, and overvotes for the office; divided by

(2) the sum of one plus the number of offices to be filled; then

(3) adding one to the result; and

(4) with any fractions disregarded.

Subd. 12. **Multiple-seat election.** "Multiple-seat election" means an election in which two or more seats in an office are to be filled from a single set of candidates on the ballot.

Subd. 13. **Overvote.** "Overvote" means a voter has ranked more than one candidate at the same ranking.

Subd. 14. **Partially defective ballot.** "Partially defective ballot" means a ballot that is defective to the extent that the election judges are unable to determine the voter's intent with respect to the office being counted.

Subd. 15. **Political subdivision.** "Political subdivision" means a county, home rule charter or statutory city, or school district.

Subd. 16. **Ranked choice voting.** "Ranked choice voting" means an election method in which voters rank candidates for an office in order of their preference, with each vote counting for the highest-ranked continuing candidate on each ballot until that candidate has been elected or defeated as provided in this chapter.

Subd. 17. **Ranked choice voting tabulation center.** "Ranked choice voting tabulation center" means the location where ballots are processed automatically or by hand and are tabulated.

Subd. 18. **Ranking.** "Ranking" means the number assigned by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking. A ranking of lower numerical value indicates a greater preference for a candidate than a ranking of higher numerical value.

Subd. 19. **Repeat candidate ranking.** "Repeat candidate ranking" means any ranking except the first of a group of duplicate rankings.

Subd. 20. **Round.** "Round" means an instance of the sequence of voting tabulation steps established in section 204E.06 or 204E.07.

Subd. 21. **Single-seat election.** Single-seat election means an election in which one seat in an office is to be filled from a single set of candidates on the ballot.

Subd. 22. **Skipped ranking.** "Skipped ranking" means a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

Subd. 23. **Surplus.** "Surplus" means the total number of votes cast for an elected candidate in excess of the threshold.

Subd. 24. **Surplus fraction of a vote.** "Surplus fraction of a vote" means the proportion of each vote to be transferred when a surplus is transferred. The surplus fraction is calculated by dividing the surplus by the total votes cast for the elected candidate, calculated to four decimal places, ignoring any remainder.

Subd. 25. **Threshold.** "Threshold" means the number of votes sufficient for a candidate to be elected. In any given single-seat election, the threshold equals: the total votes counted, during that tabulation round, excluding inactive ballots; divided by two; then adding one; and disregarding any fractions. In any given multiple-seat election, the threshold equals: the total votes counted in the first round after removing defective ballots; divided by the sum of one plus the number of offices to be filled; adding one to the result; and disregarding any fractions.

Subd. 26. **Totally defective ballot.** "Totally defective ballot" means a ballot that is defective to the extent that election judges are unable to determine the voter's intent for any office on the ballot.

Subd. 27. **Transfer value.** "Transfer value" means the fraction of a vote that a transferred ballot will contribute to the next ranked continuing candidate on that ballot. The transfer value of a vote cast for an elected candidate is calculated by multiplying the surplus fraction of each vote by its current value, calculated to four decimal places, ignoring any remainder. The transfer value of a vote cast for a defeated candidate is the same as its current value.

Subd. 28. **Transferable vote.** "Transferable vote" means a vote or a fraction of a vote for a candidate who has been either elected or defeated.

Subd. 29. **Undervote.** "Undervote" means a voter did not rank any candidates for an office.

### Sec. 3. **[204E.03] AUTHORIZATION FOR LOCAL ADOPTION.**

(a) After January 1, 2024, a political subdivision may adopt, in the manner provided in this section, ranked choice voting as a method of voting for local offices within the political subdivision.

(b) A political subdivision that adopts ranked choice voting may do so by adopting an ordinance or resolution, by a ballot question presented to the voters, or by amending the charter. The ranked choice voting method may be repealed by the same methods used for adoption.

(c) A home rule charter jurisdiction that adopts a ranked choice voting system in its charter may adopt this chapter by reference in an ordinance but is not required to do so. Nothing in this chapter prevents a home rule charter jurisdiction from adopting another voting method in its charter.

(d) Ranked choice voting must only be used to elect local offices at a general or special election.

(e) A political subdivision that adopts the use of ranked choice voting in local elections must do so no later than 90 days before the first day for filing affidavits of candidacy for the office for which ranked choice voting is to be used as the method of election.

(f) Repeal of ranked choice voting must be no later than 90 days before the first day for filing affidavits of candidacy for offices for which ranked choice voting is used as the method of election.

(g) The local election official must notify the secretary of state and, if applicable, the county auditor within 30 days following adoption or repeal of ranked choice voting.

#### Sec. 4. **[204E.04] BALLOTS.**

Subdivision 1. **Ballot format.** (a) If there are three or more qualified candidates, a ballot must allow a voter to rank at least three candidates for each office in order of preference and must also allow the voter to add write-in candidates.

(b) A ballot must:

(1) include instructions to voters that clearly indicate how to mark the ballot;

(2) include instructions to voters that clearly indicate how to rank candidates in order of the voter's preference; and

(3) indicate the number of seats to be elected for each office.

Subd. 2. **Mixed-election method ballots.** If elections are held in which ranked choice voting is used in addition to other methods of voting, the ranked choice voting and nonranked choice voting elections must be on the same ballot card if possible, with ranked choice voting and nonranked choice voting portions clearly separated. A separate ballot card may be used if necessary. A jurisdiction may deviate from the standard ballot order of offices to allow separation of ranked choice voting and nonranked choice voting elections.

Subd. 3. **Ballot format rules.** After a voting mechanism has been selected, the local election official must adopt the necessary procedures for that ballot format, consistent with this section.

#### Sec. 5. **[204E.05] RANKED CHOICE VOTING TABULATION CENTER.**

Subdivision 1. **Tabulation of votes; generally.** The local election official must designate one location to serve as the ranked choice voting tabulation center. If the tabulation includes a manual count of physical ballots, the center must be accessible to the public for the purpose of observing the vote tabulation. Tabulation of votes must be conducted as described in sections 204E.06 and 204E.07.

Subd. 2. **Write-in votes.** A candidate for local office who wants write-in votes to be counted as votes for the candidate must file a written request with the local election official no later than seven days before the general or special election. The local election official shall provide copies of the form to make the request.

Subd. 3. **Precinct tabulation.** When the hours for voting have ended and all voting has concluded, the election judges in each precinct must record and publicly declare the number of votes cast at

each ranking on the ballot, to the extent practicable. The election judges must then securely transfer all electronic voting data and ballots from the precinct to the ranked choice voting tabulation center. Upon receipt at the ranked choice voting tabulation center, all electronic voting data and ballots must be secured.

Subd. 4. **Recording write-in votes.** At a time set by the local election official, the judges and any other election officials designated by the local election official shall convene at the ranked choice voting tabulation center to examine ballots or ballot images on which voters have indicated a write-in choice and record the names and number of votes received by each declared write-in candidate. The number of votes received by write-in candidates who did not file a request as provided in subdivision 2 will be recorded as a group by office.

Subd. 5. **Ranked choice vote tabulation.** After all votes have been recorded, and at a time set by the local election official, the process of tabulating votes cast for offices to be elected using the ranked choice method must begin. The counting must continue until preliminary results for all races are determined, subject to subdivision 6.

Subd. 6. **Notice of recess in count.** At any time following receipt of materials under subdivision 3, the local election official may declare a recess. Notice of the recess must include the date, time, and location at which the process of recording and tabulating votes will resume and the reason for the recess. Notice must be posted on the local jurisdiction's official bulletin board and on the door of the ranked choice voting tabulation center. During any recess, all electronic voting data and ballots must be secured.

**Sec. 6. [204E.06] TABULATION OF VOTES; SINGLE-SEAT ELECTIONS.**

(a) This section applies to a ranked choice voting election in which one seat in an office is to be filled from a single set of candidates on the ballot. The method of tabulating ranked choice votes for single-seat elections as described in this section must be known as the "single-seat single transferable vote" method of tabulation.

(b) A first ranked choice tabulation shall be done under this paragraph before a tabulation as described in paragraph (c). A first ranked choice tabulation will consist of a first round only. Under the first ranked choice tabulation, the vote total will be the sum of the ranked votes marked number one. The maximum possible threshold must be determined. If the vote total for a candidate, other than an undeclared or a declared write-in candidate, is equal to or greater than the maximum possible threshold, that candidate is declared elected and the tabulation is complete. If the vote total for no candidate, other than an undeclared or a declared write-in candidate, is equal to or greater than the maximum possible threshold, additional rounds must be performed as provided in paragraph (c).

(c) Tabulation of votes at the ranked choice voting tabulation center must proceed in rounds for each office to be counted. The threshold must be calculated. The sum of all ranked choice votes for every candidate must be calculated. Each round must proceed sequentially as follows:

(1) the number of votes cast for each candidate, as indicated by the highest continuing ranking on each ballot, must be counted. If a candidate, other than an undeclared write-in candidate, has a vote total that is equal to or greater than the threshold, that candidate is declared elected and the tabulation is complete. If no candidate, other than an undeclared write-in candidate, has a vote total



that is equal to or greater than the threshold, a new round begins and the tabulation must continue as described in clause (2);

(2) at the beginning of the second round only, all candidates who did not file a request as provided in section 204E.05, subdivision 2, and write-in candidates who did not file a request as provided in section 204E.05, subdivision 2, must be defeated and all candidates for whom it is mathematically impossible to be elected may be defeated simultaneously. For third and subsequent rounds, the candidate with the fewest votes must be defeated and all candidates for whom it is mathematically impossible to be elected may be defeated simultaneously. Votes for the defeated candidates must be transferred to each ballot's next-ranked continuing candidate, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to one. If no candidate can be defeated under this clause, the tabulation must continue as described in clause (3). Otherwise, the tabulation must continue as described in clause (4);

(3) the candidate with the fewest votes is defeated. Votes for the defeated candidate must be transferred to each ballot's next-ranked continuing candidate, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to one. Ties between candidates with the fewest votes must be resolved by lot by the local election official. The candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount;

(4) the procedures in clauses (1) to (3) must be repeated until one candidate reaches the threshold. When only one continuing candidate remains, that continuing candidate must be elected; and

(5) when a skipped ranking, overvote, or repeat candidate ranking is encountered on a ballot, that ballot shall count toward the highest continuing ranking that is not a skipped ranking, overvote, or repeat candidate ranking. If any ballot cannot be advanced because no further continuing candidates are ranked on that ballot, or because the only votes for further continuing candidates that are ranked on that ballot are either overvotes or repeat candidate rankings, the ballot shall not count toward any candidate in that round or in subsequent rounds for the office being counted.

#### **Sec. 7. [204E.07] TABULATION OF VOTES; MULTIPLE-SEAT ELECTIONS.**

(a) This section applies to a ranked choice voting election in which two or more seats in an office are to be filled from a single set of candidates on the ballot. The method of tabulating ranked choice votes for multiple-seat elections as described in this section must be known as the "multiple-seat single transferable vote" method of tabulation.

(b) A first ranked choice tabulation shall be done under this paragraph before a tabulation as described in paragraph (c). A first ranked choice tabulation will consist of a first round only. Under the first ranked choice tabulation, the vote total will be the sum of the ranked votes marked number one. The maximum possible threshold must be determined. If the number of candidates, other than any undeclared or declared write-in candidate, whose vote total is equal to or greater than the maximum possible threshold is equal to the number of seats to be filled, those candidates are declared elected and the tabulation is complete. If the number of candidates, other than any undeclared or declared write-in candidate, whose vote total is equal to or greater than the maximum possible threshold is less than the number of seats to be filled, additional rounds must be performed as provided in paragraph (c).

(c) Tabulation of votes at the ranked choice voting tabulation center must proceed in rounds for each office to be counted. The threshold must be calculated. The sum of all ranked choice votes for every candidate must be calculated. Each round must proceed sequentially as follows:

(1) the number of votes cast for each candidate for the current round must be counted. If the number of candidates, other than any undeclared write-in candidate, whose vote total is equal to or greater than the threshold is equal to the number of seats to be filled, those candidates who are continuing candidates are elected and the tabulation is complete. If the number of candidates, other than any undeclared write-in candidate, whose vote total is equal to or greater than the threshold is not equal to the number of seats to be filled, a new round begins and the tabulation must continue as described in clause (2);

(2) surplus votes for any candidates whose vote total is equal to or greater than the threshold must be calculated;

(3) the candidate with the largest surplus is declared elected and that candidate's surplus is transferred. A tie between two or more candidates must be resolved by lot by the local election official. The surplus of the candidate chosen by lot must be transferred before other transfers are made. The result of the tie resolution must be recorded and reused in the event of a recount. The transfer value of each vote cast for an elected candidate must be transferred to the next continuing candidate on that ballot. If no candidate has a surplus, the tabulation must continue as described in clause (4). Otherwise, the tabulation must continue as described in clause (1);

(4) if there are no transferable surplus votes, the candidate with the fewest votes is defeated. Votes for a defeated candidate are transferred at their transfer value to each ballot's next-ranked continuing candidate, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to the number of seats yet to be filled. Ties between candidates with the fewest votes must be resolved by lot by the local election official, and the candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount;

(5) the procedures in clauses (1) to (4) must be repeated until the number of candidates whose vote total is equal to or greater than the threshold is equal to the number of seats to be filled, or until the number of continuing candidates is equal to the number of seats yet to be filled. If the number of continuing candidates is equal to the number of seats yet to be filled, any remaining continuing candidates must be declared elected; and

(6) when a skipped ranking, overvote, or repeat candidate ranking is encountered on a ballot, that ballot shall count toward the highest continuing ranking that is not a skipped ranking, overvote, or repeat candidate ranking. If any ballot cannot be advanced because no further continuing candidates are ranked on that ballot, or because the only votes for further continuing candidates that are ranked on that ballot are either overvotes or repeat candidate rankings, the ballot shall not count toward any candidate in that round or in subsequent rounds for the office being counted.

#### **Sec. 8. [204E.08] REPORTING RESULTS.**

(a) Each precinct must print a precinct summary statement, which must include the number of first choices cast for each candidate in that precinct.

(b) The local election official must provide a tabulation summary statement of each office with the following information:

(1) total votes cast;

(2) number of undervotes;

(3) number of totally defective and spoiled ballots;

(4) threshold calculation;

(5) total first choice rankings for all candidates;

(6) round-by-round tabulation results, including simultaneous batch eliminations, surplus transfers if applicable, and defeated candidate transfers; and

(7) exhausted ballots at each round.

(c) In jurisdictions where ballots are scanned and recorded electronically, the local election official must provide an electronically available spreadsheet of the cast vote record. To the extent practicable, the spreadsheet must be in a format that is human-readable.

(d) The election abstract must include the information required in the ranked choice voting tabulation center summary statement, with the addition of the number of registered voters by precinct, the number of same-day voter registrations, and the number of absentee voters.

#### Sec. 9. [204E.09] RECOUNTS.

(a) A candidate defeated in the final round of tabulation may request a recount as provided in section 204C.36, subdivision 1, to the extent applicable.

(b) A candidate defeated in the final round of tabulation when the vote difference is greater than that provided in section 204C.36 may request a recount at the candidate's own expense. A candidate defeated in an earlier round of tabulation may request a recount at the candidate's own expense. The candidate is responsible for all expenses associated with the recount, regardless of the vote difference between the candidates in the round in which the requesting candidate was defeated. The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. Expenses must be determined as provided in section 204C.36, subdivision 4.

(c) Rules adopted by the secretary of state under section 204C.36 for recounts apply to recounts conducted under this section.

(d) At the discretion of the recount official, in the case of a recount under paragraph (a) or by the requesting candidate in the case of a recount under paragraph (b) or by the requesting candidates, a recount may commence with the earliest tabulation round in which any requesting candidate was defeated on any prior round. All other candidates who, in the initial tabulation, were defeated prior to the round in which the recount starts may be presumed to have been correctly defeated.

(e) A candidate must not request a recount until a winner is determined.

Sec. 10. **[204E.10] POSTELECTION REVIEW.**

**Subdivision 1. Selection of test date; notice.** At the canvass, the local election official must select by lot the offices and precincts to be reviewed and set the date, time, and place for the postelection review, in accordance with section 206.89 and this section. Postelection review is not required for a hand count election.

**Subd. 2. Scope and conduct of test.** The postelection review must be conducted in public and must review a sample of ballots cast for at least one single-seat ranked-choice voting election and at least one multiple-seat election, if such an election occurred.

**Subd. 3. Review.** (a) For each office to be reviewed, the number of precincts selected for review shall be determined as follows. If the office was voted on in fewer than five precincts, one precinct shall be selected. If the office was voted on in at least five precincts and fewer than 50 precincts, two precincts shall be selected. If the office was voted on in at least 50 precincts and fewer than 100 precincts, three precincts shall be selected. If the office was voted on in at least 100 precincts, four precincts or three percent of the total number of precincts in the election shall be selected, whichever is greater.

(b) For each office voted on in a county election, the local election official may select precincts as specified in paragraph (a) or use the precincts selected in accordance with section 206.89.

(c) Using the actual ballots cast in each precinct selected, the judges of the election shall conduct a hand-count tabulation of how many ballots contain each combination of candidates across the rankings. All undeclared write-in candidates shall be considered as a group in this hand count, and blank or overvoted rankings shall be included as such in the tabulated combinations.

**Subd. 4. Standard of acceptable performance by voting system.** A comparison of the results compiled by the voting system with the cast vote records compiled by the judges of the election performing the hand count must show that the results of the electronic voting system differed by no more than the applicable percentage provided in section 204C.36 from the hand count of the sample tested. 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.

**Subd. 5. Additional review if needed.** An additional review is required if:

(1) a test reveals a difference greater than the percentage threshold provided in section 204C.36 in at least one precinct of an office, the local election official must immediately, publicly select by lot two additional precincts of the same office for review. The additional precinct review must be completed within two days after the precincts are selected and the results immediately reported to the county auditor; and

(2) the additional precinct review indicates a difference in the vote totals that is greater than the applicable percentage threshold, as provided by section 204C.36, in at least one additional precinct of an office, the local election official must conduct a review of the ballots from all the remaining precincts in the office being reviewed.

This review must be completed no later than two weeks after the canvass.

Subd. 6. **Report of results.** Upon completion of the postelection review, the local election official must immediately report the results to the county auditor and make the results available to the public.

Subd. 7. **Update of vote totals.** If the postelection review under this section results in a change in the number of votes counted for any candidate, the revised vote totals must be incorporated in the official result from those precincts.

Subd. 8. **Effect on voting systems.** If a voting system is found to have failed to record votes accurately and in the manner provided by this chapter, the voting system must not be used at another election until it has been reapproved for use, pursuant to section 206.58. In addition, the county auditor may order the local election official to conduct a hand recount of all ballots cast in the election.

Sec. 11. **[204E.11] RULES.**

The secretary of state may adopt rules necessary to implement the requirements and procedures established by this chapter.

### ARTICLE 3

#### CONFORMING CHANGES

Section 1. Minnesota Statutes 2022, section 204B.35, subdivision 1, is amended to read:

Subdivision 1. **Application.** All ballots for every election shall be prepared in accordance with sections 204B.35 to 204B.44 and ~~chapter~~ chapter chapters 204D and 204E, except for voting machine ballots or as otherwise provided by law.

Sec. 2. Minnesota Statutes 2022, section 204C.19, is amended by adding a subdivision to read:

Subd. 4. **Ranked choice voting election.** Notwithstanding the requirements of this section, the votes cast in a ranked choice voting election must be counted according to the procedures established in chapter 204E.

Sec. 3. Minnesota Statutes 2022, section 204C.21, is amended by adding a subdivision to read:

Subd. 4. **Ranked choice voting election.** Notwithstanding the requirements of this section, the votes cast in a ranked choice voting election must be counted according to the procedures established in chapter 204E.

Sec. 4. Minnesota Statutes 2022, section 204C.24, subdivision 1, is amended to read:

Subdivision 1. **Information requirements.** Precinct summary statements shall be submitted by the election judges in every precinct. For all elections, the election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

(1) the number of ballots delivered to the precinct as adjusted by the actual count made by the election judges, the number of unofficial ballots made, and the number of absentee ballots delivered to the precinct;

(2) the number of votes each candidate received or the number of yes and no votes on each question, the number of undervotes, the number of overvotes, and the number of defective ballots with respect to each office or question;

(3) the number of spoiled ballots, the number of duplicate ballots made, the number of absentee ballots rejected, and the number of unused ballots, presuming that the total count provided on each package of unopened prepackaged ballots is correct;

(4) the number of individuals who voted at the election in the precinct which must equal the total number of ballots cast in the precinct, as required by sections 204C.20 and 206.86, subdivision 1;

(5) the number of voters registering on election day in that precinct; ~~and~~

(6) the signatures of the election judges who counted the ballots certifying that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question; and

(7) in the case of a ranked choice voting election, any additional information required by section 204E.08.

At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections.

Sec. 5. Minnesota Statutes 2022, section 204D.07, subdivision 3, is amended to read:

Subd. 3. **Exception; certain nonpartisan candidate.** If not more than twice the number of individuals to be elected to a nonpartisan office file for the nomination, their names and the name of the office shall be omitted from the state and county nonpartisan primary ballot and the candidates who filed shall be the nominees. For candidates in a nonpartisan ranked choice voting election, candidates shall be omitted from the state and county primary ballot.

Sec. 6. Minnesota Statutes 2022, section 205.13, subdivision 2, is amended to read:

Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the clerk's office and the closing time for filing on the last day for filing. The clerk shall post a similar notice at least ten days before the first day to file affidavits of candidacy. The notice must indicate the method of election to be used for the offices on the ballot. The notice must separately list any office for which affidavits of candidacy may be filed to fill the unexpired portion of a term when a special election is being held to fill a vacancy as provided in section 412.02, subdivision 2a.

Sec. 7. Minnesota Statutes 2022, section 206.57, subdivision 6, is amended to read:

Subd. 6. **Required certification.** In addition to the requirements in subdivision 1, a vendor of a voting system must be certified by an independent testing authority obtain a test report from a voting system test lab accredited by the Election Assistance Commission or appropriate federal agency responsible for testing and certification of compliance with the federal voting systems guidelines at the time of submission of the application required by subdivision 1 to be in conformity with voluntary voting system guidelines issued by the Election Assistance Commission or other previously referenced agency. The application must be accompanied by the ~~certification~~ test report of the voting systems test laboratory. A ~~certification~~ test report under this section from an independent testing authority accredited by the Election Assistance Commission or other previously referenced agency meets the requirement of Minnesota Rules, part 8220.0350, item L. A vendor must provide a copy of the source code for the voting system to the secretary of state. A chair of a major political party or the secretary of state may select, in consultation with the vendor, an independent third-party evaluator to examine the source code to ensure that it functions as represented by the vendor and that the code is free from defects. A major political party that elects to have the source code examined must pay for the examination. Except as provided by this subdivision, a source code that is trade secret information must be treated as nonpublic information, according to section 13.37. A third-party evaluator must not disclose the source code to anyone else.

Sec. 8. Minnesota Statutes 2022, section 206.58, subdivision 1, is amended to read:

Subdivision 1. **Municipalities.** (a) The governing body of a municipality, at a regular meeting or at a special meeting called for the purpose, may provide for the use of an electronic voting system in one or more precincts and at all elections in the precincts, subject to approval by the county auditor. The governing body shall disseminate information to the public about the use of a new voting system at least 60 days prior to the election and shall provide for instruction of voters with a demonstration voting system in a public place for the six weeks immediately prior to the first election at which the new voting system will be used.

(b) No system may be adopted or used unless it has been approved by the secretary of state pursuant to section 206.57.

(c) The governing body of a municipality may provide for the use of an electronic voting system that has been approved by the secretary of state under section 206.57 and the use of automatic tabulating equipment or a software reallocation feature that is compatible with the electronic voting system but has not been approved by the secretary of state if the municipal clerk certifies to the secretary of state, within 30 days from the date of adoption under paragraph (a), that the reallocation feature:

(1) has been tested as required under section 206.57, subdivision 6; and

(2) meets the municipality's ordinance requirements for electronic voting systems.

Sec. 9. **[206.802] ELECTRONIC VOTING SYSTEMS; PURCHASING.**

A voting system purchased for use in Minnesota on or after the effective date of this section must have the ability to:

(1) capture, store, and publicly report ballot data;

(2) to the extent practicable, produce a single human-readable file for each contest on the ballot containing all cast vote records captured for that contest;

(3) keep data anonymous;

(4) accept ranked or cumulative voting data under a variety of tabulation rules;

(5) be programmable to follow all other specifications of the ranked choice voting system or be compatible with automatic tabulating equipment or a software reallocation feature as provided in section 206.58;

(6) provide a minimum of three rankings for ranked choice voting elections;

(7) to the extent practicable, notify voters of the following errors: overvotes, skipped rankings, and duplicate rankings in a ranked choice voting election; and

(8) be programmable to print a zero tape indicating all rankings for all candidates in a ranked choice voting election.

**EFFECTIVE DATE.** This section is effective upon certification by the secretary of state that equipment meeting the standards required by this section is available for purchase and implementation.

Sec. 10. Minnesota Statutes 2022, section 206.83, is amended to read:

#### **206.83 TESTING OF VOTING SYSTEMS.**

(a) Within 14 days before election day, the official in charge of elections shall have the voting system tested to ascertain that the system will correctly mark ballots using all methods supported by the system, including ranked choice voting if applicable, and through assistive technology, and count the votes cast for all candidates and on all questions. Public notice of the time and place of the test must be given at least two days in advance by publication once in official newspapers. The test must be observed by at least two election judges, who are not of the same major political party, and must be open to representatives of the political parties, candidates, the press, and the public. The test must be conducted by (1) processing a preaudited group of ballots punched or marked to record a predetermined number of valid votes for each candidate and on each question, and must include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the voting system tabulator and electronic ballot marker to reject those votes; and (2) processing an additional test deck of ballots marked using the electronic ballot marker for the precinct, including ballots marked using the electronic ballot display, audio ballot reader, and any assistive voting technology used with the electronic ballot marker. If an election is to be conducted using ranked choice voting, the equipment must also be tested to ensure that each ranking for each candidate is recorded properly.

(b) If any error is detected, the cause must be ascertained and corrected and an errorless count must be made before the voting system may be used in the election.

(c) After the completion of the test, the programs used and ballot cards must be sealed, retained, and disposed of as provided for paper ballots.

Sec. 11. Minnesota Statutes 2022, section 208.05, is amended to read:



**208.05 STATE CANVASSING BOARD.**

The State Canvassing Board at its meeting on the date provided in section 204C.33 shall open and canvass the returns made to the secretary of state for presidential electors and alternates, prepare a statement of the number of votes cast for the persons receiving votes for these offices, and declare the person or persons receiving the highest number of votes for each office according to the tabulation procedure established in chapter 204E, if applicable, duly elected, except that if the Agreement Among the States to Elect the President by National Popular Vote governs the appointment of presidential electors, the State Canvassing Board shall declare duly elected the candidates for presidential elector and alternates identified in accordance with the provisions of that agreement. When it appears that more than the number of persons to be elected as presidential electors or alternates have the highest and an equal number of votes, the secretary of state, in the presence of the board shall decide by lot which of the persons shall be declared elected, except that if the Agreement Among the States to Elect the President by National Popular Vote governs the appointment of presidential electors, no such drawing of lots shall be conducted. The governor shall transmit to each person declared elected a certificate of election, signed by the governor, sealed with the state seal, and countersigned by the secretary of state. If the Agreement Among the States to Elect the President by National Popular Vote governs the appointment of presidential electors and the election of presidential electors in this state is determined by ranked choice voting, the final determination of the presidential vote count reported and certified to the agreement's member states and to the federal government shall be the final round votes received by each slate of candidates for the offices of President and Vice President of the United States that received votes in the final round of statewide tabulation.

Sec. 12. Minnesota Statutes 2022, section 211A.02, subdivision 1, is amended to read:

Subdivision 1. **When and where filed by committees.** (a) A committee or a candidate who receives contributions or makes disbursements of more than \$750 in a calendar year shall submit an initial report to the filing officer within 14 days after the candidate or committee receives or makes disbursements of more than \$750 and shall continue to make the reports listed in paragraph (b) until a final report is filed.

(b) The committee or candidate must file a report by January 31 of each year following the year when the initial report was filed and in a year when the candidate's name or a ballot question appears on the ballot, the candidate or committee shall file a report:

(1) ten days before the primary or special primary. In a jurisdiction where the local primary is eliminated due to the adoption of ranked choice voting, candidates running in a ranked choice voting election must file a report in the same manner as if a primary were being held for such offices;

(2) ten days before the general election or special election; and

(3) 30 days after a general or special election.

**ARTICLE 4****APPROPRIATION FOR LOCAL GOVERNMENTS****Section 1. RANKED CHOICE VOTING GRANTS.**

Subdivision 1. **Authorized costs.** (a) A local government may apply for a grant to support the following costs related to the implementation of ranked choice voting:

- (1) equipment upgrades and associated professional consulting; and
- (2) public education campaigns related to local use of ranked choice voting.

Subd. 2. **Application.** (a) The secretary of state may make a grant to a political subdivision only after receiving an application from the political subdivision. The application must contain:

- (1) the date the application is submitted;
  - (2) the name of the political subdivision;
  - (3) the name and title of the individual who prepared the application;
  - (4) the type of voting system currently used in each precinct in the political subdivision and whether the system's software functionality currently supports the implementation of ranked choice voting;
  - (5) the total number of registered voters, as of the date of the application, in each precinct in the political subdivision;
  - (6) the total amount of the grant requested, itemized by the purposes for which the grant will be used;
  - (7) the total amount and source of the political subdivision's money to be used to match a grant from the account;
  - (8) a certified statement by the political subdivision that the grant will be used only for purposes authorized by this section; and
  - (9) any other information required by the secretary of state.
- (b) The secretary of state must establish a deadline for receipt of grant applications, a procedure for awarding and distributing grants, and a process for verifying the proper use of the grants after distribution.

Subd. 3. **Amount of grant.** A local government is eligible to receive a grant of no more than .... percent of the total cost of equipment upgrades and associated professional consulting and .... percent of the total cost of public educational campaigns related to local use of ranked choice voting. A local government may partner with and subgrant funding to third-party entities to assist with a public education campaign. In evaluating the application, the secretary of state shall consider only the information set forth in the application and is not subject to Minnesota Statutes, chapter 14, including Minnesota Statutes, section 14.386. If the secretary of state determines that the application has been fully and properly completed, and that there are sufficient funds available to award the grant, either in whole or in part, the secretary of state may approve the application.

Subd. 4. **Report to the legislature.** No later than January 15, 2025, and annually thereafter until the appropriations provided for grants under this section have been exhausted, the secretary of state

must submit a report to the legislative committees with jurisdiction over elections policy on grants awarded by this section. The report must detail each grant awarded, including the jurisdiction, the amount of the grant, and the type of equipment purchased.

Sec. 2. **APPROPRIATION; LOCAL GRANTS.**

\$...... in fiscal year 2024 is appropriated from the general fund to the secretary of state for costs associated with implementing this act. This appropriation is available until spent. Of this amount, at least \$...... must be distributed as grants to political subdivisions as authorized by this article."

Amend the title numbers accordingly

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

**Senator Latz from the Committee on Judiciary and Public Safety, to which was referred**

**H.F. No. 45:** A bill for an act relating to judiciary; establishing an assessment process to determine if current and former members of the military charged with certain offenses are eligible for deferred prosecution; amending Minnesota Statutes 2022, section 609.1056, subdivision 2, by adding a subdivision.

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

**Senator Latz from the Committee on Judiciary and Public Safety, to which was re-referred**

**S.F. No. 3:** A bill for an act relating to elections; modifying provisions related to voter registration; absentee voting; requiring voting instructions and sample ballots to be multilingual and interpreters to be provided in certain situations; regulating intimidation, deceptive practices, and interference with voter registration and voting; campaign finance; expanding the definition of express advocacy; providing penalties; requiring reports; amending Minnesota Statutes 2022, sections 10A.01, subdivision 16a; 10A.27, subdivision 11; 13.607, by adding a subdivision; 171.06, subdivision 3; 201.054, subdivisions 1, 2; 201.061, by adding a subdivision; 201.071, subdivision 1; 201.091, subdivision 4; 201.161; 201.162; 203B.04, subdivisions 1, 5; 203B.06, subdivisions 1, 3; 203B.12, by adding subdivisions; 203B.121, subdivision 2; 211B.15, subdivisions 1, 7b, by adding subdivisions; 211B.32, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 204B; 211B.

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

Page 3, after line 6, insert:

**"EFFECTIVE DATE. This section is effective June 1, 2023."**

Page 3, after line 16, insert:

**"EFFECTIVE DATE. This section is effective June 1, 2023."**

Page 3, after line 25, insert:

**"EFFECTIVE DATE. This section is effective June 1, 2023."**

Page 4, after line 5, insert:

**"EFFECTIVE DATE. This section is effective June 1, 2023."**

Page 4, delete section 6 and insert:

"Sec. 6. Minnesota Statutes 2022, section 201.071, subdivision 1, as amended by Laws 2023, chapter 12, section 2, is amended to read:

Subdivision 1. **Form.** Both paper and electronic voter registration applications must contain the same information unless otherwise provided by law. A voter registration application must contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, if provided by the voter; date of registration; current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number; and voter's signature. The paper registration application may include the voter's email address, if provided by the voter. The electronic voter registration application must include the voter's email address. The registration application may include the voter's interest in serving as an election judge, if indicated by the voter. The application must also contain the following certification of voter eligibility:

"I certify that I:

(1) ~~will be at least 18 years old on election day~~ am at least 16 years old and understand that I must be at least 18 years old to be eligible to vote;

(2) am a citizen of the United States;

(3) will have resided in Minnesota for 20 days immediately preceding election day;

(4) maintain residence at the address given on the registration form;

(5) am not under court-ordered guardianship in which the court order revokes my right to vote;

(6) have not been found by a court to be legally incompetent to vote;

(7) am not currently incarcerated for a conviction of a felony offense; and

(8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

The certification must include boxes for the voter to respond to the following questions:

"(1) Are you a citizen of the United States?" and

"(2) ~~Will you be 18 years old on or before election day?~~ Are you at least 16 years old and will you be at least 18 years old on or before the day of the election in which you intend to vote?"

And the instruction:

"If you checked 'no' to either of these questions, do not complete this form."

The form of the voter registration application and the certification of voter eligibility must be as provided in this subdivision and approved by the secretary of state. Voter registration forms authorized by the National Voter Registration Act must also be accepted as valid. The federal postcard application form must also be accepted as valid if it is not deficient and the voter is eligible to register in Minnesota.

An individual may use a voter registration application to apply to register to vote in Minnesota or to change information on an existing registration.

**EFFECTIVE DATE.** This section is effective June 1, 2023.

Sec. 7. Minnesota Statutes 2022, section 201.071, subdivision 1, as amended by Laws 2023, chapter 12, section 2, is amended to read:

Subdivision 1. **Form.** Both paper and electronic voter registration applications must contain the same information unless otherwise provided by law. A voter registration application must contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, if provided by the voter; date of registration; current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number; a box to indicate a voter's preference to join the permanent absentee voter list; and voter's signature. The paper registration application may include the voter's email address, if provided by the voter. The electronic voter registration application must include the voter's email address. The registration application may include the voter's interest in serving as an election judge, if indicated by the voter. The application must also contain the following certification of voter eligibility:

"I certify that I:

- (1) will be at least 18 years old on election day;
- (2) am a citizen of the United States;
- (3) will have resided in Minnesota for 20 days immediately preceding election day;
- (4) maintain residence at the address given on the registration form;
- (5) am not under court-ordered guardianship in which the court order revokes my right to vote;
- (6) have not been found by a court to be legally incompetent to vote;
- (7) am not currently incarcerated for a conviction of a felony offense; and

(8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

The certification must include boxes for the voter to respond to the following questions:

"(1) Are you a citizen of the United States?" and

"(2) Will you be 18 years old on or before election day?"

And the instruction:

"If you checked 'no' to either of these questions, do not complete this form."

The form of the voter registration application and the certification of voter eligibility must be as provided in this subdivision and approved by the secretary of state. Voter registration forms authorized by the National Voter Registration Act must also be accepted as valid. The federal postcard application form must also be accepted as valid if it is not deficient and the voter is eligible to register in Minnesota.

An individual may use a voter registration application to apply to register to vote in Minnesota or to change information on an existing registration.

**EFFECTIVE DATE.** This section is effective June 1, 2024."

Page 6, after line 13, insert

**EFFECTIVE DATE.** This section is effective June 1, 2023."

Page 6, line 32, delete "promptly mail to the individual a notice" and insert "queue for mailing in the statewide voter registration system a notice to the individual" and after "decline" insert "the registration" and after the period insert "The secretary of state must promptly mail all notices queued in the statewide voter registration system."

Page 7, line 4, after the period insert "The notice must be drafted to ensure maximum language access consistent with maintaining readability, and at a minimum must identify a website where the materials are made available in the ten most common languages for which translation is needed by voters."

Page 10, lines 19, delete "For"

Page 10, line 20, delete "purposes of this section,"

Page 10, line 24, delete "statute" and insert "chapter"

Page 16, after line 2, insert:

**EFFECTIVE DATE.** This section is effective June 1, 2024."

Page 17, after line 28, insert:

"Sec. 18. Laws 2023, chapter 12, section 9, is amended to read:

Sec. 9. **EFFECTIVE DATE.**

Except as otherwise provided, this act is effective ~~July~~ June 1, 2023, and applies to the right to vote at elections conducted on or after that date.

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

Sec. 19. **TRANSITION TO NEW VOTER REGISTRATION APPLICATIONS.**

Notwithstanding the requirements of this act or Laws 2023, chapter 12, a completed voter registration application submitted by a voter is not deficient for purposes of registering that voter if the application form was printed or provided to the voter prior to the effective date of any modification required by this act or by Laws 2023, chapter 12. Beginning on the effective date of a modification required by this act or by Laws 2023, chapter 12, an election official must not print, copy, or publicly distribute a blank voter registration application that does not include the required modification.

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

Page 18, line 8, delete everything after the period and insert "At a minimum, voting instructions and sample ballots must be prepared and made available in polling places in the three most commonly spoken non-English languages in the state as determined by the state demographer for the previous calendar year. The secretary of state must provide sample ballots in print and electronic formats and voting instructions in print, electronic, and audio-visual formats on the secretary of state's website in at least the three most commonly spoken non-English languages in the state as determined by the state demographer for the previous calendar year."

Page 18, delete lines 9 to 11

Page 19, after line 10, insert:

**"EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to elections conducted on or after January 1, 2024."

Page 19, line 23, delete "may show" and insert "must demonstrate"

Page 20, line 16, delete everything after "section"

Page 20, delete line 17

Page 20, line 18, delete "act"

Page 20, after line 29, insert:

**"EFFECTIVE DATE.** This section is effective June 15, 2023, and applies to violations occurring on or after that date."

Page 21, after line 6, insert:

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

Renumber the sections in sequence

Amend the title numbers accordingly

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

**Senator Latz from the Committee on Judiciary and Public Safety, to which was re-referred**

**S.F. No. 1900:** A bill for an act relating to human services; establishing a home and community-based services systemic critical incident review team; clarifying adult foster care and community residential setting licensing provisions; modifying substance use disorder treatment requirements; extending certain councils and committees; clarifying provider-controlled and own-home settings; making technical and conforming changes; clarifying effective dates; repealing obsolete language related to chemical health pilot program; amending Minnesota Statutes 2022, sections 245.462, subdivisions 3, 12; 245.4711, subdivisions 3, 4; 245.477; 245.4835, subdivision 2; 245.4871, subdivisions 3, 19; 245.4873, subdivision 4; 245.4881, subdivisions 3, 4; 245.4885, subdivision 1; 245.4887; 245A.03, subdivision 7; 245A.11, subdivision 7; 245A.16, subdivision 1; 245D.03, subdivision 1; 246.0135; 254A.035, subdivision 2; 254B.05, subdivisions 1a, 5; 256.01, by adding a subdivision; 256B.0911, subdivision 23; 256B.092, subdivision 10; 256B.093, subdivision 1; 256B.492; 256B.493, subdivisions 2a, 4; 256S.202, subdivision 1; 524.5-104; 524.5-313; Laws 2021, First Special Session chapter 7, article 2, section 17; article 6, section 12; article 11, section 18; article 13, section 43; Laws 2022, chapter 98, article 4, section 37; repealing Minnesota Statutes 2022, sections 254B.13, subdivisions 1, 2, 2a, 4, 5, 6, 7, 8; 254B.16; 256.041, subdivision 10; 256B.49, subdivision 23; 260.835, subdivision 2.

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

**Senator Port from the Committee on Housing and Homelessness Prevention, to which was referred**

**S.F. No. 1298:** A bill for an act relating to housing; amending provisions related to residential housing evictions; amending summons and complaint provisions related to residential housing evictions; amending Minnesota Statutes 2022, sections 504B.001, subdivision 4; 504B.285, subdivision 5; 504B.291, subdivision 1; 504B.321; 504B.331; 504B.335; 504B.345, subdivision 1, by adding a subdivision; 504B.361, subdivision 1; 504B.365, subdivision 1; 504B.371, subdivisions 3, 4, 5, 7; repealing Minnesota Statutes 2022, section 504B.341.

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 2022, section 363A.03, is amended by adding a subdivision to read:

Subd. 20a. **Housing assistance program.** "Housing assistance program" means a program that provides federal, state, or local housing assistance including but not limited to rental assistance, rent supplements, and housing choice vouchers.



Sec. 2. Minnesota Statutes 2022, section 363A.09, subdivision 1, is amended to read:

Subdivision 1. **Real property interest; action by owner, lessee, and others.** It is an unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these:

(1) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a housing assistance program, disability, sexual orientation, or familial status; or

(2) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a housing assistance program, disability, sexual orientation, or familial status in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith, except that nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended to protect the safety of minors in their use of the real property or any facilities or services furnished in connection therewith; or

(3) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a housing assistance program, disability, sexual orientation, or familial status, or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this section prohibiting discrimination because of familial status do not apply to the dwelling unit.

Sec. 3. Minnesota Statutes 2022, section 363A.09, subdivision 2, is amended to read:

Subd. 2. **Real property interest; action by brokers, agents, and others.** It is an unfair discriminatory practice for a real estate broker, real estate salesperson, or employee, or agent thereof:

(1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a housing assistance program, disability, sexual orientation, or familial status or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a housing assistance program, disability, sexual orientation, or familial status; or

(2) to discriminate against any person because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a

housing assistance program, disability, sexual orientation, or familial status in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith; or

(3) to print, circulate, or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a housing assistance program, disability, sexual orientation, or familial status or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this section prohibiting discrimination because of familial status do not apply to the dwelling unit.

Sec. 4. Minnesota Statutes 2022, section 363A.21, subdivision 1, is amended to read:

Subdivision 1. **Housing.** The provisions of section 363A.09 shall not apply to:

(1) rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex;

(2) the rental by a resident owner or occupier of a one-family accommodation of a room or rooms in the accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance, participation in or requirements of a housing assistance program, sexual orientation, or disability. Except as provided elsewhere in this chapter or other state or federal law, no person or group of persons selling, renting, or leasing property is required to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement, or contract; or

(3) the rental by a resident owner of a unit in a dwelling containing not more than two units, if the discrimination is on the basis of sexual orientation.

Sec. 5. Minnesota Statutes 2022, section 484.014, subdivision 2, is amended to read:

Subd. 2. **Discretionary expungement.** The court may order expungement of an eviction case court file ~~only upon motion of a defendant and decision by the court, if the court finds that the plaintiff's case is sufficiently without basis in fact or law, which may include lack of jurisdiction over the case, that~~ if the court makes the following findings:

(1) the eviction case court file is no longer a reasonable predictor of future tenant behavior; or

(2) the expungement is clearly in the interests of justice and those interests are not outweighed by the public's interest in knowing about the record.

**EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to eviction case court files created before, on, or after that date.

Sec. 6. Minnesota Statutes 2022, section 484.014, subdivision 3, is amended to read:

Subd. 3. **Mandatory expungement.** Except for clause (6), the court shall sua sponte order expungement of an eviction case:

(1) commenced solely on the grounds provided in section 504B.285, subdivision 1, clause (1), if the court finds that the defendant occupied real property that was subject to contract for deed cancellation or mortgage foreclosure and:

(1) (i) the time for contract cancellation or foreclosure redemption has expired and the defendant vacated the property prior to commencement of the eviction action; or

(2) (ii) the defendant was a tenant during the contract cancellation or foreclosure redemption period and did not receive a notice under section 504B.285, subdivision 1a, 1b, or 1c, to vacate on a date prior to commencement of the eviction case;

(2) if the defendant prevailed on the merits;

(3) if the court dismissed the plaintiff's complaint for any reason;

(4) if the parties to the action have agreed to an expungement;

(5) three years after the eviction was ordered; or

(6) upon motion of a defendant, if the case is settled and the defendant fulfills the terms of the settlement.

**EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to eviction case court files created before, on, or after that date.

Sec. 7. **[504B.114] PET DECLAWING AND DEVOCALIZATION PROHIBITED.**

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Animal" has the meaning given in section 343.20, subdivision 2.

(c) "Application for occupancy" means all phases of the process of applying for the right to occupy a real property, including but not limited to filling out applications, interviewing, and submitting references.

(d) "Claw" means a hardened keratinized modification of the epidermis or a hardened keratinized growth that extends from the end of the digits of certain mammals, birds, reptiles, and amphibians that is commonly referred to as a claw, talon, or nail.

(e) "Declawing" means performing, procuring, or arranging for any procedure, such as an onychectomy, tendonectomy, or phalangectomy, to remove or prevent the normal function of an animal's claw or claws.

(f) "Devocalizing" means performing, procuring, or arranging for any surgical procedure, such as a vocal cordectomy, to remove an animal's vocal cords or to prevent the normal function of an animal's vocal cords.

Subd. 2. **Prohibitions.** A landlord who allows an animal on the premises shall not:

(1) advertise the availability of a real property for occupancy in a manner designed to discourage application for occupancy of that real property because an applicant's animal has not been declawed or devocalized;

(2) refuse to allow the occupancy of a real property, refuse to negotiate the occupancy of a real property, or otherwise make unavailable or deny to another person the occupancy of a real property because of that person's refusal to declaw or devocalize an animal; or

(3) require a tenant or occupant of real property to declaw or devocalize an animal allowed on the premises.

Subd. 3. **Penalties.** (a) A city attorney, a county attorney, or the attorney general may bring an action in district court to obtain injunctive relief for a violation of this section and to enforce the civil penalties provided in this subdivision.

(b) In addition to any other penalty allowed by law, a violation of subdivision 2, clause (1), shall result in a civil penalty of not more than \$1,000 per advertisement, to be paid to the entity that is authorized to bring the action under this section.

(c) In addition to any other penalty allowed by law, a violation of subdivision 2, clause (2) or (3), shall result in a civil penalty of not more than \$1,000 per animal, to be paid to the entity that is authorized to bring the action under this section.

**EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to leases entered into or renewed on or after that date.

Sec. 8. **[504B.120] PROHIBITED FEES.**

Subdivision 1. **Prohibited fees.** Except for actual services rendered for an optional service offered by the landlord, a landlord shall not charge a tenant any nonrefundable fee in relation to a residential tenancy.

Subd. 2. **Penalties.** A landlord who violates this section is liable to the residential tenant for each unenforceable fee for three times the amount of each fee imposed, and the court may award the tenant reasonable attorney's fees.

**EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to leases entered into or renewed on or after that date.

Sec. 9. Minnesota Statutes 2022, section 504B.135, is amended to read:

**504B.135 TERMINATING TENANCY AT WILL.**

~~(a)~~ A tenancy at will may be terminated by either party by giving notice in writing. The time of the notice must be at least as long as the interval between the time rent is due or three months, whichever is less.

~~(b) If a tenant neglects or refuses to pay rent due on a tenancy at will, the landlord may terminate the tenancy by giving the tenant 14 days notice to quit in writing.~~

**EFFECTIVE DATE.** This section is effective August 1, 2023.

**Sec. 10. [504B.144] EARLY RENEWAL.**

When a landlord and a tenant sign a residential lease for a term that is at least ten months, the landlord must not require the tenant to renew the lease until at least four months have passed since the tenant occupied the unit. Any provision, whether oral or written, of any lease or other agreement, whereby any provision of this section is waived by a tenant, is contrary to public policy and void.

**EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to leases entered into or renewed on or after that date.

Sec. 11. Minnesota Statutes 2022, section 504B.161, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) In every lease or license of residential premises, the landlord or licensor covenants:

(1) that the premises and all common areas are fit for the use intended by the parties;

(2) to keep the premises in reasonable repair during the term of the lease or license, except when the disrepair has been caused by the willful, malicious, or irresponsible conduct of the tenant or licensee or a person under the direction or control of the tenant or licensee;

(3) to make the premises reasonably energy efficient by installing weatherstripping, caulking, storm windows, and storm doors when any such measure will result in energy procurement cost savings, based on current and projected average residential energy costs in Minnesota, that will exceed the cost of implementing that measure, including interest, amortized over the ten-year period following the incurring of the cost; ~~and~~

(4) to maintain the premises in compliance with the applicable health and safety laws of the state, and of the local units of government where the premises are located during the term of the lease or license, except when violation of the health and safety laws has been caused by the willful, malicious, or irresponsible conduct of the tenant or licensee or a person under the direction or control of the tenant or licensee; and

(5) to supply or furnish heat at a minimum temperature of at least 68 degrees Fahrenheit, measured at a distance of 36 inches above floor level, and not closer than 36 inches from an interior wall of a residential unit, from October 1 through April 30.

(b) The parties to a lease or license of residential premises may not waive or modify the covenants imposed by this section.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 12. Minnesota Statutes 2022, section 504B.171, subdivision 1, is amended to read:

Subdivision 1. **Terms of covenant.** (a) In every lease or license of residential premises, whether in writing or parol, the landlord or licensor and the tenant or licensee covenant that:

(1) neither will:

(i) unlawfully allow controlled substances in those premises or in the common area and curtilage of the premises in violation of any criminal provision of chapter 152;

(ii) allow prostitution or prostitution-related activity as defined in section 617.80, subdivision 4, to occur on the premises or in the common area and curtilage of the premises;

(iii) allow the unlawful use or possession of a firearm in violation of section 609.66, subdivision 1a, 609.67, or 624.713, on the premises or in the common area and curtilage of the premises; or

(iv) allow stolen property or property obtained by robbery in those premises or in the common area and curtilage of the premises; ~~and~~

(2) the common area and curtilage of the premises will not be used by either the landlord or licensor or the tenant or licensee or others acting under the control of either to manufacture, sell, give away, barter, deliver, exchange, distribute, purchase, or possess a controlled substance in violation of any criminal provision of chapter 152; and

(3) the covenant is not violated by the landlord or licensor or the tenant or licensee when a person other than the landlord or licensor or the tenant or licensee violates this subdivision or possesses or allows controlled substances in the premises, common area, or curtilage, unless the landlord or licensor or the tenant or licensee knew or had reason to know of that activity.

(b) In every lease or license of residential premises, whether in writing or parol, the tenant or licensee covenant that the tenant or licensee will not commit an act enumerated under section 504B.206, subdivision 1, paragraph (a), against a tenant or licensee or any authorized occupant.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 13. Minnesota Statutes 2022, section 504B.171, is amended by adding a subdivision to read:

Subd. 2a. **Limitation on crime free lease provisions.** A residential landlord may not impose a penalty on a residential tenant or terminate the lease of a residential tenant for the conduct of the residential tenant, household member, or guest occurring off of the premises or the common area and curtilage of the premises, unless the conduct would constitute a violent crime against another tenant, regardless of whether a charge was brought or a conviction obtained.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 14. Minnesota Statutes 2022, section 504B.172, is amended to read:

**504B.172 RECOVERY OF ATTORNEY FEES.**

If a residential lease specifies an action, circumstances, or an extent to which a landlord, directly, or through additional rent, may recover attorney fees in an action between the landlord and tenant, the tenant is entitled to attorney fees if the tenant prevails in the same type of action, under the same circumstances, or is entitled to costs under section 549.02, and to the same extent as specified in the lease for the landlord.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 15. Minnesota Statutes 2022, section 504B.178, subdivision 4, is amended to read:

Subd. 4. **Damages.** Any landlord who fails to:

(1) provide a written statement within three weeks of termination of the tenancy;

(2) provide a written statement within five days of the date when the tenant leaves the building or dwelling due to the legal condemnation of the building or dwelling in which the tenant lives for reasons not due to willful, malicious, or irresponsible conduct of the tenant; ~~or~~

(3) transfer or return a deposit as required by subdivision 5; or

(4) provide the tenant with notice for an initial inspection and move-out inspection as required by section 504B.182, and complete an initial inspection and move-out inspection when requested by the tenant,

after receipt of the tenant's mailing address or delivery instructions, as required in subdivision 3, is liable to the tenant for damages in an amount equal to the portion of the deposit withheld by the landlord and interest thereon as provided in subdivision 2, as a penalty, in addition to the portion of the deposit wrongfully withheld by the landlord and interest thereon.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 16. **[504B.182] INITIAL AND FINAL INSPECTION REQUIRED.**

Subdivision 1. **Initial inspection.** At the commencement of a residential tenancy, or within 14 days of a residential tenant occupying a unit, the landlord must notify the tenant of their option to request an initial inspection of the residential unit for the purposes of identifying existing deficiencies in the rental unit to avoid deductions for the security deposit of the tenant at a future date. If the tenant requests an inspection, the landlord and tenant shall schedule the inspection at a mutually acceptable date and time.

Subd. 2. **Move-out inspection.** Within a reasonable time after notification of either a landlord or residential tenant's intention to terminate the tenancy, or before the end of the lease term, the landlord shall notify the tenant in writing of the tenant's option to request an initial inspection and of the tenant's right to be present at the inspection. At a reasonable time, but no earlier than five days before the termination or the end of the lease date, or day the tenant plans to vacate the unit, the landlord, or an agent of the landlord, shall, upon the request of the tenant, make a move-out inspection of the premises. The purpose of the move-out inspection shall be to allow the tenant an opportunity to remedy identified deficiencies, in a manner consistent with the rights and obligations

of the parties under the rental agreement, in order to avoid deductions from the security deposit. If a tenant chooses not to request an initial inspection, the duties of the landlord under this subdivision are discharged. If an inspection is requested, the parties shall attempt to schedule the inspection at a mutually acceptable date and time.

Subd. 3. **Other requirements under law.** Nothing in this section changes the requirements or obligations under any other section of law, including but not limited to sections 504B.178, 504B.185, 504B.195, or 504B.271, 504B.375, and 504B.381.

Subd. 4. **Waiver.** Any provision, whether oral or written, of any lease or other agreement, whereby any provision of this section is waived by a tenant, is contrary to public policy and void.

**EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to leases entered into or renewed on or after that date.

Sec. 17. Minnesota Statutes 2022, section 504B.211, subdivision 2, is amended to read:

Subd. 2. **Entry by landlord.** Except as provided in subdivision 4, a landlord may enter the premises rented by a residential tenant only for a reasonable business purpose and after making a good faith effort to give the residential tenant reasonable notice under the circumstances of not less than 24 hours in advance of the intent to enter. A residential tenant may permit a landlord to enter the rented premises with less than 24 hours notice if desired. The notice must specify a time or anticipated time of entry and the landlord may only enter between the hours of 8:00 a.m. and 8:00 p.m. unless the tenant and landlord agree to an earlier or later time. A residential tenant may not waive and the landlord may not require the residential tenant to waive the residential tenant's right to prior notice of entry under this section as a condition of entering into or maintaining the lease.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 18. Minnesota Statutes 2022, section 504B.211, subdivision 6, is amended to read:

Subd. 6. **Penalty.** If a landlord substantially violates subdivision 2, the residential tenant is entitled to a penalty which may include a rent reduction up to full rescission of the lease, recovery of any damage deposit less any amount retained under section 504B.178, and ~~up to a \$100~~ \$500 civil penalty for each violation. If a landlord violates subdivision 5, the residential tenant is entitled to up to a ~~\$100~~ \$500 civil penalty for each violation. A residential tenant ~~shall~~ may follow the procedures in sections 504B.381, 504B.385, and 504B.395 to 504B.471 to enforce the provisions of this section. A violation of this section by the landlord is a violation of section 504B.161.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 19. **[504B.268] RIGHT TO COUNSEL IN PUBLIC HOUSING; BREACH OF LEASE EVICTION ACTIONS.**

Subdivision 1. **Right to counsel.** A defendant in public housing subject to an eviction action under sections 504B.281 to 504B.371 alleging breach of lease under section 504B.171 or 504B.285 who is financially unable to obtain counsel has the right to counsel appointed by the court. The complaint required by section 504B.321 shall include the notice on the first page of the complaint in bold 12-point type: "If financially unable to obtain counsel, the defendant has the right to a



court-appointed attorney." At the initial hearing, the court shall ask the defendant if the defendant wants court-appointed counsel and shall explain what such appointed counsel can accomplish for the defendant.

Subd. 2. **Qualifications.** Counsel appointed by the court must: (1) have a minimum of two years' experience handling public housing evictions; (2) have training in handling public housing evictions; or (3) be supervised by an attorney who meets the minimum qualifications under clause (1) or (2).

Subd. 3. **Compensation.** By January 15, 2024, and every year thereafter, the chief judge of the judicial district, after consultation with public housing attorneys, legal aid attorneys, and members of the private bar in the district, shall establish a compensation rate for attorney fees and costs associated with representation under subdivision 1. The compensation to be paid to an attorney for such service rendered to a defendant under this subdivision may not exceed \$5,000, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the chief judge of the district as necessary to provide fair compensation for services of an unusual character or duration.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 20. Minnesota Statutes 2022, section 504B.285, subdivision 5, is amended to read:

Subd. 5. **Combining allegations.** (a) An action for recovery of the premises may combine the allegation of nonpayment of rent and the allegation of material violation of the lease, which shall be heard as alternative grounds.

~~(b) In cases where rent is outstanding, a tenant is not required to pay into court the amount of rent in arrears, interest, and costs as required under section 504B.291 to defend against an allegation by the landlord that the tenant has committed a material violation of the lease.~~

~~(c) If the landlord does not prevail in proving material violation of the lease, and the landlord has also alleged that rent is due, the tenant shall be permitted to present defenses to the court that the rent is not owing. The tenant shall be given up to seven days of additional time to pay any rent determined by the court to be due. The court may order the tenant to pay rent and any costs determined to be due directly to the landlord or to be deposited with the court.~~

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 21. Minnesota Statutes 2022, section 504B.291, subdivision 1, is amended to read:

Subdivision 1. **Action to recover.** (a) A landlord may bring an eviction action for nonpayment of rent irrespective of whether the lease contains a right of reentry clause. Such an eviction action is equivalent to a demand for the rent. There is a rebuttable presumption that the rent has been paid if the tenant produces a copy or copies of one or more money orders or produces one or more original receipt stubs evidencing the purchase of a money order, if the documents: (i) total the amount of the rent; (ii) include a date or dates approximately corresponding with the date rent was due; and (iii) in the case of copies of money orders, are made payable to the landlord. This presumption is rebutted if the landlord produces a business record that shows that the tenant has not paid the rent. The landlord is not precluded from introducing other evidence that rebuts this presumption. In such an action, unless the landlord has also sought to evict the tenant by alleging a material violation of

the lease under section 504B.285, subdivision 5, the tenant may, ~~at any time before possession has been delivered,~~ redeem the tenancy and be restored to possession by paying to the landlord or bringing to court the amount of the rent that is in arrears, with interest, costs of the action, and an attorney's fee not to exceed \$5, and by performing any other covenants of the lease. Redemption may be made by written guarantee from a federal agency, state agency, local unit of government, or any other organization that qualifies for tax exempt status under United States Code, title 26, section 501(c)(3).

~~(b) If the tenant has paid to the landlord or brought into court the amount of rent in arrears but is unable to pay the interest, costs of the action, and attorney's fees required by paragraph (a), the court may permit the tenant to pay these amounts into court and be restored to possession within the same period of time, if any, for which the court stays the issuance of the order to vacate under section 504B.345.~~

(c) Prior to or after commencement of an action to recover possession for nonpayment of rent, the parties may agree only in writing that partial payment of rent in arrears which is accepted by the landlord prior to issuance of the order granting restitution of the premises pursuant to section 504B.345 may be applied to the balance due and does not waive the landlord's action to recover possession of the premises for nonpayment of rent.

~~(d)~~ (c) Rental payments under this subdivision must first be applied to rent claimed as due in the complaint from prior rental periods before applying any payment toward rent claimed in the complaint for the current rental period, unless the court finds that under the circumstances the claim for rent from prior rental periods has been waived.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 22. Minnesota Statutes 2022, section 504B.321, is amended to read:

#### **504B.321 COMPLAINT AND SUMMONS.**

Subdivision 1. **Procedure.** (a) To bring an eviction action, the person complaining shall file a complaint with the court, stating the full name and date of birth of the person against whom the complaint is made, unless it is not known, describing the premises of which possession is claimed, stating the facts which authorize the recovery of possession, and asking for recovery thereof.

(b) The lack of the full name and date of birth of the person against whom the complaint is made does not deprive the court of jurisdiction or make the complaint invalid.

~~(c) The court shall issue a summons, commanding the person against whom the complaint is made to appear before the court on a day and at a place stated in the summons.~~

~~(d)~~ The appearance shall be not less than seven nor more than 14 days from the day of issuing the summons, except as provided by subdivision 2.

~~(e) A copy of the complaint shall be attached to the summons, which shall state that the copy is attached and that the original has been filed.~~

(d) If applicable, the person filing a complaint must attach a copy of the written notice described in subdivision 1a. The court shall:

(1) dismiss an action without prejudice for failure to provide a notice as described in subdivision 1a; and

(2) grant an expungement of the eviction case court file.

Subd. 1a. **Written notice.** (a) Before bringing an eviction action alleging nonpayment of rent or other unpaid financial obligation in violation of the lease, a landlord must provide written notice to the residential tenant specifying the basis for a future eviction action. The notice must include:

(1) the total amount due;

(2) a specific accounting of the amount of the total due that is comprised of unpaid rents, late fees, or other charges under the lease;

(3) the name and address of the person authorized to receive rent and fees on behalf of the landlord;

(4) the following statement: "You have the right to seek legal help. If you can't afford a lawyer, free legal help may be available. Contact Legal Aid or visit [www.LawHelpMN.org](http://www.LawHelpMN.org) to know your rights and find your local Legal Aid office.";

(5) the following statement: "To apply for financial help, contact your local county or Tribal social services office, apply online at [MNBenefits.mn.gov](http://MNBenefits.mn.gov), or call the United Way toll-free information line by dialing 2-1-1 or 800-543-7709."; and

(6) the following statement: "Your landlord can file an eviction case if you do not pay the total amount due or move out within 14 days from the date of this notice."

(d) The landlord or an agent of the landlord must deliver the notice personally or by first class mail to the residential tenant at the address of the leased premises.

(e) Only if the residential tenant fails to correct the rent delinquency within 14 days of the delivery or mailing of the notice, or fails to vacate, the landlord may bring an eviction action under subdivision 1 based on the nonpayment of rent.

Subd. 1b. **Notice constitutes verification of emergency.** (a) Receipt of the notice under subdivision 1a shall be deemed by a county agency to be sufficient demonstration of an emergency situation under section 256D.06, subdivision 2, and Minnesota Rules, chapter 9500. For purposes of chapter 256J and Minnesota Rules, chapter 9500, a county agency verifies an emergency situation by receiving and reviewing a notice under this section.

(b) When it receives a copy of the notice required by this section, the county must not:

(1) require the tenant to provide additional verification of the emergency; or

(2) require additional verification that the landlord will accept the funds demanded in the notice required by this section to resolve the emergency.

Subd. 2. **Expedited procedure.** (a) In an eviction action brought under section 504B.171 or on the basis that the residential tenant is causing a nuisance or other illegal behavior that seriously endangers the safety of other residents, their property, or the landlord's property ~~has engaged in illegal behavior that seriously endangers the safety of other residents or has destroyed or maliciously and seriously damaged the property of the landlord or tenant~~, the person filing the complaint shall file an affidavit stating specific facts and instances in support of why an expedited hearing is required.

(b) The complaint and affidavit shall be reviewed by a referee or judge and scheduled for an expedited hearing only if sufficient supporting facts are stated and they meet the requirements of this paragraph.

(c) The appearance in an expedited hearing shall be not less than five days nor more than seven days from the date the summons is issued. The summons, in an expedited hearing, shall be served upon the residential tenant within 24 hours of issuance unless the court orders otherwise for good cause shown.

(d) If the court determines that the person seeking an expedited hearing did so without sufficient basis under the requirements of this subdivision, the court shall impose a civil penalty of up to \$500 for abuse of the expedited hearing process.

(e) The court may only consider allegations under section 504B.171 during an expedited hearing. The court may not consolidate claims heard under the expedited procedure with any additional claims, including but not limited to breach of lease, holding over under section 504B.285, or nonpayment of rent under section 504B.291.

Subd. 3. **Contents of complaint.** The person bringing a complaint under this section must:

(1) attach the current written lease, or most recent written lease in existence, and any relevant lease addenda;

(2) if alleging nonpayment of rent, attach a detailed ledger or accounting of the amount owed at the time of filing;

(3) if alleging a breach of lease, identify the clause of the lease which is the basis of the allegation, the nature of the conduct constituting the alleged breach of lease, the dates on which the alleged conduct took place, and the clause granting the right to evict based on the alleged conduct;

(4) if alleging a violation of section 504B.171, specify the nature of the conduct constituting the alleged violation and the dates on which the alleged conduct took place;

(5) if alleging a violation of section 504B.285, subdivision 1, attach a copy of any notice to vacate or notice to quit; and

(6) state in the complaint whether the tenancy is affected by a federal or state housing subsidy program through project-based federal assistance payments; the Section 8 program as defined in section 469.002, subdivision 24; the low-income housing tax credit program; or any other similar program, and include the name of the agency that administers the housing subsidy program.

Subd. 4. **Summons.** The court shall issue a summons, commanding the person against whom the complaint is made to appear before the court on the day and at the place stated in the summons. A copy of the complaint must be attached to the summons. The summons must include, at a minimum:

(1) the full name of the person against whom the complaint is brought;

(2) the date, time, and location of the hearing;

(3) information about the methods for participating in the court appearance, including, if applicable, information for appearing by telephone or computer and contact information for the court regarding remote participation;

(4) the following statement: "You have the right to seek legal help or request a reasonable accommodation from the court for your hearing. Contact the court as soon as possible if you need an accommodation. If you can't afford a lawyer, free legal help may be available. Contact Legal Aid or visit [www.LawHelpMN.org](http://www.LawHelpMN.org) to know your rights and find your local Legal Aid office.";

(5) the following statement: "To apply for financial help, contact your local county or Tribal social services office, apply online at [MNBenefits.mn.gov](http://MNBenefits.mn.gov), or call the United Way toll-free information line by dialing 2-1-1 or 800-543-7709."; and

(6) notification that a copy of the complaint is attached and has been filed with the court.

Subd. 5. **Defective filing or service.** The court must dismiss and expunge the record of any action if the person bringing the action fails to comply with this section.

Subd. 6. **Nonpublic record.** An eviction action is not accessible to the public until the court enters a final judgment.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 23. Minnesota Statutes 2022, section 504B.331, is amended to read:

**504B.331 SUMMONS; HOW SERVED.**

(a) The summons and complaint must be served at least seven days before the date of the court appearance specified in section 504B.321, in the manner provided for service of a summons in a civil action in district court. ~~It may be served by any person not named a party to the action.~~

(b) If the defendant cannot be found in the county, the summons and complaint may be served at least seven days before the date of the court appearance by:

(1) leaving a copy at the defendant's last usual place of abode with a person of suitable age and discretion residing there; or

(2) if the defendant had no place of abode, by leaving a copy at the property described in the complaint with a person of suitable age and discretion occupying the premises.

(c) Failure of the sheriff to serve the defendant is prima facie proof that the defendant cannot be found in the county.

(d) Where the defendant cannot be found in the county, service of the summons and complaint may be made upon the defendant by posting the summons in a conspicuous place on the property for not less than one week if:

(1) the property described in the complaint is:

(i) nonresidential and no person actually occupies the property; or

(ii) residential and service has been attempted at least twice on different days, with at least one of the attempts having been made between the hours of 6:00 p.m. and 10:00 p.m.; and

(2) the plaintiff or the plaintiff's attorney has signed and filed with the court an affidavit stating that:

(i) the defendant cannot be found, or that the plaintiff or the plaintiff's attorney believes that the defendant is not in the state; ~~and~~

(ii) a copy of the summons has been mailed to the defendant at the defendant's last known address if any is known to the plaintiff; or

(iii) the plaintiff or plaintiff's attorney has communicated to the defendant that an eviction hearing has been scheduled, including the date, time, and place of the hearing specified in the summons, by all forms of written communication the plaintiff regularly uses to communicate with the defendant.

(e) If the defendant or the defendant's attorney does not appear in court on the date of the appearance, the trial shall proceed.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 24. Minnesota Statutes 2022, section 504B.335, is amended to read:

**504B.335 ANSWER; TRIAL.**

(a) At the court appearance specified in the summons, the defendant may answer the complaint, and the court shall hear and decide the action, unless it grants a continuance of the trial as provided in section 504B.341.

(b) Either party may demand a trial by jury.

(c) The proceedings in the action are the same as in other civil actions, except as provided in sections 504B.281 to 504B.371.

(d) The court, in scheduling appearances and hearings under this section, shall give priority to any eviction brought under section 504B.171, or on the basis that the ~~defendant is a tenant and is causing a nuisance or seriously endangers the safety of other residents, their property, or the landlord's property~~ residential tenant has engaged in illegal behavior that seriously endangers the safety of other residents or has destroyed or maliciously and seriously damaged the property of the landlord or tenant.

(e) The court may not require the defendant to pay any amount of money into court, post a bond, make a payment directly to a landlord, or by any other means post security for any purpose prior to final disposition of an action, except for appeals as provided in section 504B.371.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 25. Minnesota Statutes 2022, section 504B.345, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) If the court or jury finds for the plaintiff, the court shall immediately enter judgment that the plaintiff shall have recovery of the premises, and shall tax the costs against the defendant. The court shall issue execution in favor of the plaintiff for the costs and also immediately issue a writ of recovery of premises and order to vacate.

(b) The court shall give priority in issuing a writ of recovery of premises and order to vacate for an eviction action brought under section 504B.171 or on the basis that the tenant is causing a nuisance or seriously endangers the safety of other residents, their property, or the landlord's property.

(c) If the court or jury finds for the defendant, then the court:

(1) ~~the court~~ shall enter judgment for the defendant, tax the costs against the plaintiff, and issue execution in favor of the defendant; and

(2) ~~the court may~~ shall expunge the records relating to the action under the provisions of section 484.014 or under the court's inherent authority at the time judgment is entered or after that time upon motion of the defendant.

(d) Except in actions brought: (1) under section 504B.291 ~~as required by section 609.5317, subdivision 1;~~ (2) under section 504B.171; or (3) on the basis that the tenant is causing a nuisance or seriously endangers the safety of other residents, their property, or the landlord's property, upon a showing by the defendant that immediate restitution of the premises would work a substantial hardship upon the defendant or the defendant's family, the court shall stay the writ of recovery of premises and order to vacate for a reasonable period, not to exceed seven days.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 26. Minnesota Statutes 2022, section 504B.345, is amended by adding a subdivision to read:

Subd. 3. **Motion to vacate judgment.** Any party may bring a motion to vacate a judgment in an eviction action. An order denying a motion to vacate a judgment is considered a judgment for purposes of appeal under section 504B.371.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 27. Minnesota Statutes 2022, section 504B.361, subdivision 1, is amended to read:

Subdivision 1. **Summons and writ.** The state court administrator shall develop a uniform form for the summons and writ of recovery of premises and order to vacate. The summons shall conform to the requirements enumerated under section 504B.321, subdivision 3. The writ for recovery of premises and order to vacate must include:

(1) the following statement: "You have the right to seek legal help. If you can't afford a lawyer, free legal help may be available. Contact Legal Aid or visit [www.LawHelpMN.org](http://www.LawHelpMN.org) to know your rights and find your local Legal Aid office"; and

(2) the following statement: "To apply for financial help, contact your local county or Tribal social services office, apply online at [MNBenefits.mn.gov](http://MNBenefits.mn.gov), or call the United Way toll-free information line by dialing 2-1-1 or 800-543-7709."

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 28. Minnesota Statutes 2022, section 504B.371, subdivision 3, is amended to read:

Subd. 3. **Appeal bond.** If the party appealing remains in possession of the property, that party must give a bond that provides that:

- (1) all costs of the appeal will be paid;
- (2) the party will comply with the court's order; and

(3) all the regular rent and other damages due to the party excluded from possession during the pendency of the appeal will be paid as that rent accrues. The court may not require a bond including bank rent, late fees, disputed charges, or any other amount in excess of the regular rent as it accrues each month.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 29. Minnesota Statutes 2022, section 504B.371, subdivision 4, is amended to read:

Subd. 4. **Stay pending appeal.** After the appeal is taken, all further proceedings in the case are stayed; ~~except as provided in subdivision 7.~~

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 30. Minnesota Statutes 2022, section 504B.371, subdivision 5, is amended to read:

Subd. 5. **Stay of writ issued before appeal.** (a) ~~Except as provided in subdivision 7,~~ If the court issues a writ for recovery of premises and order to vacate before an appeal is taken, the appealing party may request that the court stay further proceedings and execution of the writ for possession of premises and order to vacate, and the court shall grant a stay.

(b) If the party appealing remains in possession of the premises, that party must give a bond under subdivision 3.

(c) When the officer who has the writ for possession of premises and order to vacate is served with the order granting the stay, the officer shall cease all further proceedings. If the writ for possession of premises and order to vacate has not been completely executed, the defendant shall remain in possession of the premises until the appeal is decided.

**EFFECTIVE DATE.** This section is effective August 1, 2023.



Sec. 31. Minnesota Statutes 2022, section 504B.371, subdivision 7, is amended to read:

Subd. 7. **Exception.** Subdivisions 1, 4, and 6 do not apply in an action ~~on a lease, against a tenant holding over after the expiration of the term of the lease, or a termination of the lease by a notice to quit, where the plaintiff has prevailed on a claim pursuant to section 504B.171, subdivision 2,~~ if the plaintiff gives a bond conditioned to pay all costs and damages if on the appeal the judgment of restitution is reversed and a new trial ordered. In such a case, the court shall issue a writ for recovery of premises and order to vacate notwithstanding the notice of appeal, as if no appeal had been taken, and the appellate court shall issue all needful writs and processes to carry out any judgment which may be rendered in the court.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 32. Minnesota Statutes 2022, section 504B.375, subdivision 1, is amended to read:

Subdivision 1. **Unlawful exclusion or removal.** (a) This section applies to actual or constructive removal or exclusion of a residential tenant which may include the termination of utilities or the removal of doors, windows, or locks. A residential tenant to whom this section applies may recover possession of the premises as described in paragraphs (b) to (e).

(b) The residential tenant shall present a verified petition to the district court of the judicial district of the county in which the premises are located that:

(1) describes the premises and the landlord;

(2) specifically states the facts and grounds that demonstrate that the exclusion or removal was unlawful, including a statement that no writ of recovery of the premises and order to vacate has been issued under section 504B.345 in favor of the landlord and against the residential tenant and executed in accordance with section 504B.365; and

(3) asks for possession.

(c) If it clearly appears from the specific grounds and facts stated in the verified petition or by separate affidavit of the residential tenant or the residential tenant's attorney or agent that the exclusion or removal was unlawful, the court shall immediately order that the residential tenant have possession of the premises.

(d) The residential tenant shall furnish security, if any, that the court finds is appropriate under the circumstances for payment of all costs and damages the landlord may sustain if the order is subsequently found to have been obtained wrongfully. In determining the appropriateness of security, the court shall consider the residential tenant's ability to afford monetary security.

(e) The court shall direct the order to the sheriff of the county in which the premises are located and the sheriff shall execute the order immediately by making a demand for possession on the landlord, if found, or the landlord's agent or other person in charge of the premises. If the landlord fails to comply with the demand, the officer shall take whatever assistance may be necessary and immediately place the residential tenant in possession of the premises. If the landlord, the landlord's agent, or other person in control of the premises cannot be found and if there is no person in charge, the officer shall immediately enter into and place the residential tenant in possession of the premises.

The officer shall also serve the order and verified petition or affidavit immediately upon the landlord or agent, in the same manner as a summons is required to be served in a civil action in district court.

(f) The court administrator may charge a filing fee in the amount set for complaints and counterclaims in conciliation court, subject to the filing of an inability to pay affidavit.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 33. Minnesota Statutes 2022, section 504B.381, subdivision 1, is amended to read:

Subdivision 1. **Petition.** A person authorized to bring an action under section 504B.395, subdivision 1, may petition the court for relief ~~in cases of emergency involving the loss of running water, hot water, heat, electricity, sanitary facilities, or other essential services or facilities that the landlord is responsible for providing;~~

(1) when a unit of government has issued a condemnation order or a notice of intent to condemn;  
or

(2) in cases of emergency involving the following services and facilities when the landlord is responsible for providing them:

(i) a serious infestation;

(ii) the loss of running water;

(iii) the loss of hot water;

(iv) the loss of heat;

(v) the loss of electricity;

(vi) the loss of sanitary facilities;

(vii) a nonfunctioning refrigerator;

(viii) if included in the lease, a nonfunctioning air conditioner;

(iv) if included in the lease, no functioning elevator;

(x) any conditions, services, or facilities that pose a serious and negative impact on health or safety; or

(xi) other essential services or facilities.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 34. Minnesota Statutes 2022, section 504B.381, subdivision 5, is amended to read:

Subd. 5. **Relief; service of petition and order.** Provided proof that the petitioner has given the notice required in subdivision 4 to the landlord, if the court finds based on the petitioner's emergency ex parte motion for relief, affidavit, and other evidence presented that the landlord violated subdivision

1, then the court shall order that the landlord immediately begin to remedy the violation and may order relief as provided in section 504B.425. The court and petitioner shall serve the petition and order on the landlord personally or by mail as soon as practicable. The court shall include notice of a hearing and, at the hearing, shall consider evidence of alleged violations, defenses, compliance with the order, and any additional relief available under section 504B.425. The court and petitioner shall serve the notice of hearing on the ex parte petition and emergency order personally or by mail as soon as practicable.

**EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 35. Minnesota Statutes 2022, section 504B.381, is amended by adding a subdivision to read:

Subd. 8. **Filing fee.** The court administrator may charge a filing fee in the amount set for complaints and counterclaims in conciliation court, subject to the filing of an inability to pay affidavit.

**EFFECTIVE DATE.** This section is effective August 1, 2023."

Delete the title and insert:

"A bill for an act relating to housing; providing for a right to counsel in certain public housing eviction actions; prohibiting landlords from imposing certain fees; restricting entry by a landlord; amending the covenants implied in residential lease; providing for tenants remedies against landlords for repairs; allowing a tenant to request emergency repairs from the court; modifying termination of tenancy at will; requiring residential tenant notice of grounds for eviction before action may be brought; prohibiting real property interest discrimination based on participation in a housing assistance program; prohibiting a landlord from taking certain actions that encourage or require a tenant to declaw or devocalize an animal; authorizing civil penalties; expanding eligibility for discretionary and mandatory expungements for eviction case court files; limiting public access to pending eviction case court actions; limiting early renewals on certain rental leases; requiring landlord to provide tenant with a notice of the option to inspect the rental unit at the beginning and end of tenancy; establishing damages; amending provisions relating to residential housing evictions; amending summons and complaint provisions related to residential housing eviction; amending Minnesota Statutes 2022, sections 363A.03, by adding a subdivision; 363A.09, subdivisions 1, 2; 363A.21, subdivision 1; 484.014, subdivisions 2, 3; 504B.135; 504B.161, subdivision 1; 504B.171, subdivision 1, by adding a subdivision; 504B.172; 504B.178, subdivision 4; 504B.211, subdivisions 2, 6; 504B.285, subdivision 5; 504B.291, subdivision 1; 504B.321; 504B.331; 504B.335; 504B.345, subdivision 1, by adding a subdivision; 504B.361, subdivision 1; 504B.371, subdivisions 3, 4, 5, 7; 504B.375, subdivision 1; 504B.381, subdivisions 1, 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 504B."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary and Public Safety. 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 Mohamed amendment to S.F. No. 1298.

There were yeas 1 and nays 7, as follows:

Those who voted in the affirmative were:

Senator Mohamed.

Those who voted in the negative were:

Senators Boldon, Draheim, Housley, Lucero, Pha, Port, and Rest.

The amendment was not adopted.

Pursuant to Rule 12.10, upon the request of three members, a roll call was taken on the motion that S.F. No. 1298, be recommended to pass as amended and be re-referred.

There were yeas 5 and nays 3, as follows:

Those who voted in the affirmative were:

Senators Boldon, Mohamed, Pha, Port, and Rest.

Those who voted in the negative were:

Senators Draheim, Housley, and Lucero.

The motion prevailed.

**Senator Hawj from the Committee on Environment, Climate, and Legacy, to which was referred**

**S.F. No. 1526:** A bill for an act relating to animal health; declassifying certain data; modifying requirements for certain owners of farmed Cervidae; prohibiting certain registrations; establishing civil liability; modifying disposition of certain federal funds; requiring live-animal testing for chronic wasting disease; transferring certain duties from the Board of Animal Health to the commissioner of natural resources; appropriating money; amending Minnesota Statutes 2022, sections 13.643, subdivision 6; 35.155, subdivisions 1, 4, 6, 10, 11, 12, by adding subdivisions; 35.156, subdivision 2, by adding subdivisions.

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

Page 1, delete section 1

Page 3, line 5, reinstate the stricken language and after "must" insert "immediately" and after "deficiency" insert "". All other deficiencies must be repaired"

Page 3, line 6, reinstate the stricken "Health, not to exceed"

Page 4, line 17, delete everything after the period

Page 4, delete lines 18 and 19

Page 4, line 20, delete everything before "A"

Page 6, delete section 10

Page 7, delete section 13 and insert:

"Sec. 13. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to read:

Subd. 5. **Annual testing required.** (a) Annually beginning July 1, 2023, the Board of Animal Health must have each farmed white-tailed deer possessed by a person registered under section 35.155 tested for chronic wasting disease using a real-time quaking-induced conversion (RT-QuIC) test offered by a public or private diagnostic laboratory. Live-animal testing must consist of an ear biopsy, the collection of which must be managed by the Board of Animal Health, with each laboratory reporting RT-QuIC results to both the commissioner of natural resources and the Board of Animal Health in the form required by both agencies. If a white-tailed deer tests positive, the owner must have the animal tested a second time using an RT-QuIC test performed on both a second ear biopsy and a tonsil or rectal biopsy.

(b) If a farmed white-tailed deer tests positive using an RT-QuIC test performed on both a second ear biopsy and a tonsil or rectal biopsy, the owner must have the animal destroyed and tested for chronic wasting disease using a postmortem test approved by the Board of Animal Health.

(c) If a farmed white-tailed deer tests positive for chronic wasting disease under paragraph (b), the owner must depopulate the premises of farmed Cervidae as required under section 35.155, subdivision 11."

Page 8, after line 4, insert:

"Sec. 15. **APPROPRIATION; CHRONIC WASTING DISEASE TRANSMISSION CONTINGENCY PLANNING.**

\$1,632,612 in fiscal year 2024 and \$1,845,700 in fiscal year 2025 are appropriated from the general fund to the Board of Regents of the University of Minnesota for chronic wasting disease contingency plans developed by the Center for Infectious Disease Research and Policy. The center must develop, refine, and share with relevant experts and stakeholders contingency plans regarding the potential transmission of chronic wasting disease from Cervidae to humans, livestock, and other species. The contingency plans must provide a blueprint for preparedness and response planning documents including authoritative risk communication, education, and outreach materials. The base for this appropriation is \$1,603,000 in fiscal year 2026, \$1,603,000 in fiscal year 2027, and \$0 in fiscal year 2028 and beyond."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "declassifying certain data;"

Page 1, line 4, delete "modifying disposition of certain federal funds;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Agriculture, Broadband, and Rural Development. Amendments adopted. Report adopted.

**Senator Hawj from the Committee on Environment, Climate, and Legacy, to which was referred**

**S.F. No. 2111:** A bill for an act relating to state lands; modifying requirements for conveying easements and leasing state lands; adding to and deleting from state parks, forests, and waysides; authorizing sale and exchange of certain state lands; amending Minnesota Statutes 2022, sections 84.63; 84.631; 84.632; 84.66, subdivision 7; 92.502; 282.04, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 282.

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 2022, section 84.66, subdivision 7, is amended to read:

Subd. 7. **Landowner responsibilities.** The commissioner may enroll eligible land in the program by signing an easement in recordable form with a landowner in which the landowner agrees to:

(1) convey to the state a permanent easement that is not subject to any prior title, lien, or encumbrance, except for preexisting easements that are acceptable to the commissioner; and

(2) manage the land in a manner consistent with the purposes for which the land was selected for the program and not convert the land to other uses.

Sec. 2. **ADDITIONS TO STATE PARKS.**

Subdivision 1. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County. The following area is added to Frontenac State Park, Goodhue County:

That part of the Southeast Quarter of Section 10, Township 112 North, Range 13 West, and that part of the Southwest Quarter of Section 11, Township 112 North, Range 13 West, Goodhue County, Minnesota, described as follows: Commencing at the northeast corner of the Southeast Quarter of said Section 10; thence southerly on an assumed azimuth from North of 189 degrees 34 minutes 33 seconds, along the east line of the Southeast Quarter of said Section 10, a distance of 1,100.31 feet; thence westerly 269 degrees 34 minutes 33 seconds azimuth, a distance of 80.53 feet to the point of beginning of the land to be described; thence northerly 340 degrees 42 minutes 19 seconds azimuth, a distance of 300.00 feet; thence easterly 100 degrees 22 minutes 46 seconds azimuth, a distance of 286.97 feet to the centerline of County Road Number 2, as now located and established; thence southerly and southwesterly, along said centerline, to the intersection with a line drawn southerly 160 degrees 42 minutes 19 seconds azimuth from the point of beginning; thence northerly 340 degrees 42 minutes 19 seconds azimuth, a distance of 51.66 feet to the point of beginning.

EXCEPT the following described premises:

Part of the Northeast Quarter of the Southeast Quarter of Section 10, Township 112 North, Range 13 West, Goodhue County, shown as Parcel 6 on the plat designated as Goodhue County Right-of-Way Plat No. 23 on file and of record in the Office of the County Recorder in and for Goodhue County, Minnesota.

ALSO EXCEPT the following:

Part of the Northwest Quarter of the Southwest Quarter of Section 11, Township 112 North, Range 13 West, Goodhue County, shown as Parcel 1 on the plat designated as Goodhue County Highway Right-Of-Way Plat No. 24 on file and of record in the Office of the County Recorder in and for Goodhue County, Minnesota.

Subd. 2. [85.012] [Subd. 60.] William O'Brien State Park, Washington County. The following area is added to William O'Brien State Park, Washington County:

The South Half of the Northwest Quarter, except the East 2 rods thereof, Section 25, Township 32, Range 20.

Sec. 3. **ADDITION TO STATE FOREST.**

[89.021] [Subd. 42a.] Riverlands State Forest. Those parts of St. Louis County described as follows are added to Riverlands State Forest:

That part of Government Lot 8, Section 30, Township 51 North, Range 19, St. Louis County, Minnesota, lying northwesterly of the railroad right-of-way.

Sec. 4. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; AITKIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land bordering public water that is described in paragraph (c).

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Aitkin County and is described as:

The West 16.25 feet of that part of the 32.50-foot-wide road, as delineated on the Plat of Sugar Lake Addition, according to the plat of record and on file in the Office of the County Recorder in and for Aitkin County, Minnesota lying northerly of the following described line: Commencing at the iron monument at the southwest corner of Section 2, Township 45, Range 25, said Aitkin County, Minnesota; thence North 0 degrees 00 minutes 23 seconds West, assumed bearing, 2,020.36 feet along the west line of said Section 2 to the point of beginning of the line to be described; thence North 89 degrees 59 minutes 37 seconds East 32.50 feet to the west line of Lot 1 said Sugar Lake Addition and said line there terminating.

(d) The land borders Sugar Lake. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to private ownership.

**Sec. 5. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; BECKER COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Becker County and is described as:

All that part of Government Lot 2, Section 12, Township 139 North, Range 40 West of the 5th P.M., bounded by the water's edge of Cotton Lake and the following described lines: Commencing at the North quarter corner of said Section 12, from which the northwest corner of said section bears North 90 degrees 00 minutes West; thence South 00 degrees 00 minutes East, 325.0 feet; thence North 90 degrees 00 minutes East, 72.0 feet to the point of beginning and the centerline of County State-Aid Highway No. 29; thence South 25 degrees 52 minutes East, 222.27 feet along the centerline of said highway; thence North 90 degrees 00 minutes West, 284.0 feet, more or less, to the water's edge of Cotton Lake and there terminating; and from the point of beginning, North 90 degrees 00 minutes West, 249.1 feet, more or less, to the water's edge of Cotton Lake and there terminating.

(d) The land borders Cotton Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to private ownership.

**Sec. 6. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; BECKER COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Becker County and is described as:

Lot 1, Pearl Hill, according to the certified plat on file and of record in the Office of the Register of Deeds in and for Becker County, Minnesota, and being a part of Government Lots 2 and 3, Section 13, Township 138 North, Range 42 West.

(d) The land borders Pearl Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to private ownership.



**Sec. 7. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER; CROW WING COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c).

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be conveyed is located in Crow Wing County and is described as:

That part of Government Lot 2, Section 11, Township 44, Range 28, Crow Wing County, Minnesota, described as follows: Commencing at the southeast corner of said Government Lot 2; thence South 89 degrees 08 minutes 05 seconds West, assumed bearing along the south line of said Government Lot 2 a distance of 203.73 feet to the westerly right-of-way of State Highway No. 18; thence North 24 degrees 13 minutes 27 seconds West, along said westerly right-of-way 692.40 feet, to the point of beginning; thence continuing North 24 degrees 13 minutes 27 seconds West along said westerly right-of-way 70.31 feet; thence North 89 degrees 25 minutes 27 seconds West 90.00 feet; thence South 11 degrees 16 minutes 29 seconds East 87.00 feet; thence North 78 degrees 43 minutes 31 seconds East 103.84 feet to the point of beginning. Said parcel contains 0.17 acres of land, more or less, and is subject to existing easements of record.

(d) The tax parcel from which the land will be split borders Borden Lake, but the land to be sold does not border Borden Lake. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land were returned to private ownership.

**Sec. 8. PRIVATE SALE OF TAX-FORFEITED LAND; ITASCA COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, Itasca County may sell by private sale the tax-forfeited land described in paragraph (c).

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

(c) The land to be sold is located in Itasca County and is described as: the Northwest Quarter of the Southeast Quarter, Section 25, Township 56, Range 25 (parcel identification number 02-025-4200).

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

**Sec. 9. PUBLIC OR PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; KANDIYOHI COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by public or private sale the surplus land that is described in paragraph (c), subject to the state's reservation of a perpetual flowage easement.

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Kandiyohi County and is described as:

Lots 18 and 19 of First Addition to Walleye Beach, according to the plat thereof on file and of record in the Office of the Register of Deeds in and for Kandiyohi County, Minnesota.

(d) The land borders Florida Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to private ownership.

Sec. 10. **PRIVATE SALE OF TAX-FORFEITED LANDS; KOOCHICHING COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or any other law to the contrary, Koochiching County may sell by private sale the tax-forfeited lands described in paragraph (c).

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

(c) The land to be sold is located in Koochiching County and is described as:

That part of Lot 53, Plat of Riverview Acres, according to the recorded plat thereof on file in the Office of the County Recorder, Koochiching County, Minnesota, lying northwesterly of the following described line: Commencing at the northwest corner of said Lot 53; thence South 89 degrees 59 minutes 47 seconds East 31.00 feet along the north line of said Lot 53 to the point of beginning of the line to be described; thence South 67 degrees 10 minutes 42 seconds West 33.51 feet to the west line of said Lot 53 and there terminating. Said parcel contains 200 square feet, more or less.

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

Sec. 11. **PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County may sell by private sale the tax-forfeited land described in paragraph (c).

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

(c) The land to be sold is located in St. Louis County and is described as:

Lot 6, Block 12, Chambers First Division of Duluth (parcel number 010-0460-00660).

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

**Sec. 12. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County may sell by private sale the tax-forfeited land described in paragraph (c).

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

(c) The land to be sold is located in St. Louis County and is described as:

The West 3 feet of the North 20 feet of Lot 87, Block 75, Duluth Proper Third Division (parcel number 010-1310-01945).

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

**Sec. 13. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County may sell by private sale the tax-forfeited land described in paragraph (c).

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

(c) The land to be sold is located in St. Louis County and is described as:

Lot 90, except the North 100 feet and except the East Half of the South 50 feet of Lot 90 and except the West 6 feet of the South 50 feet of the West Half of Lot 90, Block 75, Duluth Proper Third Division (parcel number 010-1310-02125).

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

**Sec. 14. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County may sell by private sale the tax-forfeited land described in paragraph (c).

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

(c) The land to be sold is located in St. Louis County and is described as:

Block 11, Endion Park Division of Duluth (parcel number 010-1490-00860).

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

Sec. 15. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands described in paragraph (c).

(b) The conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land descriptions to correct errors and ensure accuracy.

(c) The lands to be sold are located in St. Louis County and are described as:

(1) Lots 52, 54, and 56, Fond Du Lac Fourth Street Duluth (parcel number 010-1620-01260);

(2) Lots 58 and 60, Fond Du Lac Fourth Street Duluth (parcel number 010-1620-01290);

(3) Lots 21 thru 39, odd numbers, and Lot 41 except the North 52 feet, and except the North 52 feet of Lots 43, 45, and 47, and Lots 49 and 51 except that part lying North of a line drawn from a point on the westerly line of Lot 49 and 52 feet South of the northwest corner to a point on the easterly line of Lot 51 38.1 feet South of the northeast corner, and all of Lots 53, 55, 57, and 59, and except that part of Lots 21 thru 39, odd numbered lots, lying 20 feet northerly and 20 feet southerly of a line beginning at a point on the west line of Lot 21 13.56 feet South of the northwest corner of Lot 21; thence to a point 54.83 feet South of the northeast corner along the east line of Lot 39, and except the southerly 46 feet of the northerly 98 feet of Lots 41, 43, and 45, and except that part of Lots 47 thru 57, odd numbered lots, described as beginning at a point on the west line of Lot 47 52 feet South of the northwest corner of Lot 47; thence easterly 40 feet to a point on the east line of Lot 47 52 feet South of the northeast corner of Lot 47; thence northeasterly 81.22 feet to a point on the east line of Lot 51 38.1 feet South of the northeast corner of Lot 51; thence North 17.3 feet to a point on the east line of Lot 51 20.8 feet South of the northeast corner of Lot 51; thence northeasterly 82.68 feet to the northwest corner of Lot 57; thence East 40 feet to the northeast corner of Lot 57; thence South 64.1 feet along the east line of Lot 57; thence southwesterly 242.22 feet to a point on the west line of Lot 47 98 feet South of the northwest corner of Lot 47; thence North 46 feet along the west line of Lot 47 to the point of beginning, and except Lot 59, and except that part of Lots 25, 27, 29, 31, 33, 35, 37, and 39 lying southerly of a line run parallel with and distant 20 feet southerly of the following described line: beginning at a point on the west line of Lot 21, distant 13.56 feet South of the northwest corner thereof; thence southeasterly to a point on the east line of said Lot 39, distant 54.83 feet South of the northeast corner thereof and there terminating, Fond Du Lac Fourth Street Duluth (parcel number 010-1620-00290); and

(4) that part of Lots 21 thru 39, odd numbered lots, lying 20 feet northerly and 20 feet southerly of a line beginning at a point on the west line of Lot 21 13.56 feet South of the northwest corner of Lot 21; thence to a point 54.83 feet South of the northeast corner along the east line of Lot 39 and the southerly 46 feet of the northerly 98 feet of Lots 41, 43, and 45, and that part of Lots 47 thru 57, odd numbered lots, described as beginning at a point on the west line of Lot 47 52 feet South of the northwest corner of Lot 47; thence easterly 40 feet to a point on the east line of Lot 47 52 feet South of the northeast corner of Lot 47; thence northeasterly 81.22 feet to a point on the east line of Lot 51 38.1 feet South of the northeast corner of Lot 51; thence North 17.3 feet to a point on the east line of Lot 51 20.8 feet South of the northeast corner of Lot 51; thence northeasterly 82.68 feet to the northwest corner of Lot 57; thence East 40 feet to the northeast corner of Lot 57; thence South

64.1 feet along the east line of Lot 57; thence southwesterly 242.22 feet to a point on the west line of Lot 47 98 feet South of the northwest corner of Lot 47; thence North 46 feet along the west line of Lot 47 to the point of beginning, and Lot 59, Fond Du Lac Fourth Street Duluth (parcel number 010-1620-00291).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership for the Mission Creek Cemetery.

**Sec. 16. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands described in paragraph (c).

(b) The conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land descriptions to correct errors and ensure accuracy.

(c) The lands to be sold are located in St. Louis County and are described as:

(1) Lot 28, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01140);

(2) Lot 30, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01150);

(3) Lot 32, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01160);

(4) Lot 34, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01170);

(5) Lot 36, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01180);

(6) Lot 38, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01190);

(7) Lots 40 thru 48, even numbered lots, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01200); and

(8) Lot 50, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01250).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership for the Mission Creek Cemetery.

**Sec. 17. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County may sell by private sale the tax-forfeited land described in paragraph (c).

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

(c) The land to be sold is located in St. Louis County and is described as:

The South Half of Section 31, Township 50, Range 20, Town of Fine Lakes (part of parcel number 355-0010-04960).

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

**Sec. 18. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER; SHERBURNE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land bordering public water that is described in paragraph (c) for less than market value.

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be conveyed is located in Sherburne County and is described as:

That part of Government Lot 6, Section 31, Township 34 North, Range 27 West, Sherburne County, Minnesota, described as follows: Commencing at the most northerly corner of Outlot A, Eagle Lake Estates, according to the plat thereof on file and of record in the Office of the County Recorder in and for Sherburne County, Minnesota, being an existing iron monument with an aluminum cap stamped "Judicial Landmark 16095" (JLM); thence southwesterly 146.20 feet along the easterly line of said Outlot A on a curve concave to the southeast, having a central angle of 14 degrees 41 minutes 15 seconds, radius of 570.32 feet, and a chord bearing of South 29 degrees 12 minutes 20 seconds West, to a JLM; thence South 21 degrees 51 minutes 43 seconds West, along said easterly line, 196.53 feet to the point of beginning; thence continuing South 21 degrees 51 minutes 43 seconds West, along said easterly line, 35.00 feet to a JLM; thence South 89 degrees 38 minutes 17 seconds East, along the northerly line of said Outlot A, 87 feet, more or less, to the water's edge of Eagle Lake; thence northerly along said water's edge, 45 feet, more or less, to a line bearing North 80 degrees 55 minutes 20 seconds East from the point of beginning; thence South 80 degrees 55 minutes 20 seconds West 70 feet, more or less, to the point of beginning.

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

**Sec. 19. EFFECTIVE DATE.**

Sections 11 to 18 are effective the day following final enactment."

Amend the title numbers accordingly

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

**Senator Murphy from the Committee on State and Local Government and Veterans, to which was re-referred**

**S.F. No. 1180:** A bill for an act relating to public buildings; appropriating money for research to integrate weather trends in designing and operating public buildings to reduce operational costs and prevent damage from extreme weather events; 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. APPROPRIATION; IMPACTS OF FUTURE WEATHER TRENDS ON PUBLIC INFRASTRUCTURE NEEDS AND DESIGN.**

Subdivision 1. Appropriation; recommendations. \$690,000 in fiscal year 2024 is appropriated from the general fund to the commissioner of administration to contract with the Board of Regents for the University of Minnesota for the Institute on the Environment to research and provide recommendations for:

(1) how to design and evaluate buildings constructed by the state and local governments in light of projected weather trends that may exacerbate conditions such as drought, elevated temperatures, and flooding. The recommended practices must take into account how to reduce energy costs through energy efficiency measures, innovative construction materials and techniques, and the use of renewable energy sources. The recommended practices must also aim to prevent and minimize damage to buildings due to extreme weather conditions such as increased frequency of intense precipitation events and tornadoes, flooding, and elevated temperatures; and

(2) how to design, construct, or operate public infrastructure in light of projected weather trends to accomplish the following objectives:

(i) maintain and increase the amount and quality of food and wood production;

(ii) reduce fire risk on forested land;

(iii) maintain and enhance water quality; and

(iv) maintain and enhance natural habitats.

Subd. 2. Written report. The grant agreement must require the director of the Institute on the Environment to submit a written report to the chairs and ranking minority members of the committees in the house of representatives and the senate with primary jurisdiction over environment policy and capital investment that summarizes the findings and recommendations, including recommendations for policy and legislative changes."

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

**Senator Murphy from the Committee on State and Local Government and Veterans, to which was referred**

**S.F. No. 2584:** A bill for an act relating to transportation; establishing a standard to reduce the carbon intensity of transportation fuels; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 239.

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

Delete everything after the enacting clause and insert:

"Section 1. [239.7312] CLEAN TRANSPORTATION STANDARD ACT.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Carbon dioxide equivalent" means the number of metric tons of carbon dioxide emissions that have the same global warming potential as one metric ton of another greenhouse gas.

(c) "Carbon intensity" means the quantity of life cycle greenhouse gas emissions associated with the fuel pathway and use of a unit of a specific transportation fuel, expressed in grams of carbon dioxide equivalent per megajoule of transportation fuel, as calculated by the most recent version of Argonne National Laboratory's GREET model adapted to Minnesota, as determined by the commissioner.

(d) "Clean fuel" means a transportation fuel that has a carbon intensity level below the clean fuels carbon intensity standard in a given year.

(e) "Commissioner" means the commissioner of the Pollution Control Agency.

(f) "Continuous living cover cropping systems" means market-based agricultural systems characterized by living plants above ground and living roots in the soil throughout the entire year, including but not limited to:

(1) perennial crops, including forage and pasture;

(2) winter annual cash cover crops such as winter camelina and pennycress; and

(3) agroforestry practices.

(g) "Credit" means a unit of measure that: (1) is equal to one metric ton of carbon dioxide equivalent; and (2) serves as a quantitative measure of the degree to which the carbon intensity of a fuel provider's transportation fuel volume is lower than the carbon intensity embodied in an applicable clean transportation standard. Credit includes a credit premium, as provided in subdivision 2, paragraph (d).

(h) "Credit generator" means an entity that produces or imports a clean fuel for use in Minnesota, which, with respect to electricity used as a transportation fuel, includes but is not limited to automakers, charging providers, electric utilities, and electric vehicle fleet operators.



(i) "Deficit" means a unit of measure that: (1) is equal to one metric ton of carbon dioxide equivalent; and (2) serves as a quantitative measure of the degree to which the carbon intensity of a fuel provider's volume of transportation fuel is greater than the carbon intensity embodied in an applicable clean transportation standard.

(j) "Deficit generator" means a fuel provider who first produces or imports a transportation fuel for use in Minnesota whose carbon intensity generates deficits.

(k) "Fuel pathway" means a detailed description of all stages of a transportation fuel's production and use, including feedstock production, extraction, processing, transportation, distribution, and combustion or use by an end-user.

(l) "Fuel provider" means an entity that supplies a transportation fuel for use in Minnesota.

(m) "Global warming potential" or "GWP" means a quantitative measure of a greenhouse gas emission's potential to contribute to global warming over a 100-year period, expressed in terms of the equivalent carbon dioxide emissions that would be required to produce the same 100-year warming effect, as reported in the Sixth Assessment Report on Climate Change of the Intergovernmental Panel on Climate Change.

(n) "Greenhouse gas" means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.

(o) "Motor vehicle" has the meaning given in section 169.011, subdivision 42.

(p) "Relevant petroleum-only portion of transportation fuels" means the component of gasoline or diesel fuel prior to blending with ethanol, biodiesel, or other biofuel.

(q) "Soil-healthy farming practices" means farming practices that improve soil health, as defined in section 103C.101, and that incorporate one or more of the following practices:

(1) no-till or conservation tillage;

(2) cover cropping;

(3) perennial cropping;

(4) inter-seeding;

(5) organic production;

(6) roller crimping; and

(7) managed rotational grazing.

(r) "Technology provider" means a manufacturer of an end-use consumer technology involved in supplying clean fuels.

(s) "Transportation fuel" means electricity or a liquid or gaseous fuel that is blended, sold, supplied, offered for sale, or used to propel a motor vehicle, including but not limited to a train,

light rail vehicle, ship, aircraft, forklift, or other road or nonroad vehicle in Minnesota. Transportation fuel includes but is not limited to electricity used as fuel in a motor vehicle, gasoline, diesel, ethanol, biodiesel, renewable diesel, propane, renewable propane, natural gas, renewable natural gas, hydrogen, aviation fuel, and biomethane.

Subd. 2. **Clean transportation standard; establishment.** (a) The commissioner must establish a clean transportation standard requiring that the aggregate carbon intensity of transportation fuel supplied to Minnesota must be reduced to at least 25 percent below the 2018 baseline level by the end of 2030, by 75 percent by the end of 2040, and by 100 percent by the end of 2050.

(b) In consultation with the Department of Commerce, Department of Transportation, Public Utilities Commission, Department of Natural Resources, and Department of Agriculture, the commissioner must establish by rule an annual standards schedule for the aggregate carbon intensity of transportation fuels that steadily decreases. When establishing the annual standards schedule, the commissioner must consider the cost of compliance, the technologies available to a provider to achieve the standard, the need to maintain fuel quality and availability, and the impact on achieving the state's greenhouse gas emissions reduction across all sectors of at least the following amounts, compared with the level of emissions in 2005: 30 percent by 2025; 50 percent by 2030; and to net zero by 2050.

Subd. 3. **Clean transportation standard; baseline calculation.** The commissioner, after reviewing and considering the best available scientific data and calculations, must calculate the baseline carbon intensity of the relevant petroleum-only portion of transportation fuels for the 2018 calendar year.

Subd. 4. **Fuel pathway and carbon intensity determination.** (a) The commissioner must establish a process to determine the carbon intensity of transportation fuels, and allow fuel producers to apply for and be assigned a fuel pathway and carbon intensity score based on their unique production practices. Fuel pathways must be determined using the most recent version of the Argonne National Laboratory's GREET model adapted to Minnesota, as determined by the commissioner. The fuel pathway determination process must:

- (1) be consistent for all fuel types;
- (2) be based on science and engineering;
- (3) reflect differences in vehicle fuel efficiency and drive trains; and

(4) account for any on-site additional energy use by a carbon capture technology employed in the fuel production process, including but not limited to generation, distillation, and compression.

(b) The commissioner: (1) must consult with the Department of Agriculture, Department of Transportation, Public Utilities Commission, Department of Natural Resources, and Department of Commerce to determine fuel pathways; and (2) may coordinate with third-party entities or other states to review and approve fuel pathways.

Subd. 5. **Clean transportation standard; compliance.** A deficit generator must comply with the schedule of annual standards for the aggregate carbon intensity of transportation fuel as established in subdivision 2. A deficit generator may comply with this section by:

(1) producing or importing transportation fuels whose carbon intensity is at or below the level of the current standard; or

(2) purchasing sufficient credits to offset any aggregate deficits resulting from the carbon intensity of the deficit generator's transportation fuels exceeding the current standard.

Subd. 6. **Credit generation.** A credit may be generated when transportation fuel is produced, imported, or provided for use in Minnesota and the carbon intensity of the fuel is less than the applicable clean fuel standard. The rules adopted under this section must ensure that a single unit of fuel may generate credits only once.

Subd. 7. **Credits; rules; verification.** (a) The rules adopted under this section, as required under subdivision 8, must:

(1) establish and regulate the operation of a market to trade transportation fuel credits and deficits, and may include:

(i) a market mechanism that allows credits to be traded or banked for future use;

(ii) transaction fees associated with the credit market; and

(iii) procedures to verify the validity of credits and deficits generated by a fuel provider under this section;

(2) prohibit the generation of credits from certain activities, including:

(i) carbon capture and underground storage of carbon dioxide used for enhanced oil recovery;

(ii) the production of biofuels from feedstock grown on croplands with fewer than five consecutive years cropping history; and

(iii) renewable natural gas produced from any new or expanded agricultural livestock production facility;

(3) allow an additional credit premium of five percent for cropland-derived biofuels produced on acreage utilizing soil-healthy farming practices and fertilizer best management practices; and

(4) allow an additional credit premium of ten percent for cropland-derived biofuels produced on acreage utilizing continuous living cover cropping systems.

(b) The commissioner must, in collaboration with the Department of Commerce, Department of Transportation, Department of Agriculture, Department of Natural Resources, and the Board of Water and Soil Resources, establish acceptable methods to verify credit premiums, as provided for in paragraph (a), clauses (3) and (4), including but not limited to satellite and aerial verification, and must require verification to occur annually.

(c) The commissioner must work in consultation with the commissioner of agriculture to use the Argonne GREET model to develop a statewide average direct carbon intensity value for cropland-derived biofuel feedstocks that is used as a component to determine the overall lifecycle carbon intensity of biofuel production.

(d) The commissioner must work in consultation with the commissioner of agriculture to develop procedures to allow biofuel producers to calculate a unique carbon intensity score for biofuel feedstocks from crop-land derived biofuels using the Argonne GREET model and other models, taking into account impacts on farm-related emissions and sequestration of greenhouse gases. This unique carbon intensity may be used as an alternative to using the statewide average described under paragraph (c). The procedures must include a methodology for calculation, monitoring, and third-party auditing and verification of on-farm practices, including reduced tillage; no-till; reduced on-farm fuel use; reduced use of fertilizers and other inputs; use of cover crops; use of perennial strips; application of manure; application of biochar; and other relevant practices that can impact the carbon intensity of biofuel feedstocks, including other soil healthy farming practices or continuous living cover cropping systems.

(e) A biofuel producer that elects to utilize a unique carbon intensity score under paragraph (d) is prohibited from claiming the credit premiums under paragraph (a), clauses (3) and (4).

(f) Nothing in this chapter precludes the commissioner from adopting rules that allow the generation of credits associated with electric or alternative transportation fuels or infrastructure that existed prior to the effective date of this section or the start date of program requirements.

(g) The commissioner must develop procedures to allow credit generators to generate credits for electric vehicle charging that occurs in residences and to provide guidance on how the credit generator may expend revenue from the credits. All credit revenue generated in this section must be expended to promote the adoption of electric vehicles, including but not limited to electric vehicle purchase incentives, electric vehicle charging equipment, and other transportation electrification initiatives. At least 60 percent of the credit revenue generated in this section must be spent to support transportation electrification for the primary benefit of disadvantaged communities, low-income communities, or rural communities.

Subd. 8. **Clean transportation standard; establishment by rule; goals.** (a) No later than ....., the commissioner must begin the process to adopt rules under chapter 14 that implement a clean transportation standard and other provisions of this section.

(b) When developing proposed rules under this section, the commissioner shall consult with:

(1) the Public Utilities Commission and the commissioners of commerce, agriculture, transportation, natural resources, and health; and

(2) an advisory committee, as provided for in section 14.101, subdivision 2, composed of proportional representatives from agriculture; transportation fuel providers; consumers; rural, urban, and Tribal communities; environmental organizations; environmental justice organizations; technology providers; automotive manufacturers; forestry sector; electric utilities; EV charging companies; and urban communities that rely on river water as the primary source of drinking water.

(c) When developing rules under this section, the commissioner must endeavor to make available to Minnesota a fuel-neutral clean fuels portfolio that:

(1) creates broad rural and urban economic development;

(2) provides benefits for communities, consumers, clean fuel providers, technology providers, and feedstock suppliers;

(3) increases energy security by expanding the supply of domestically produced fuels;

(4) supports equitable transportation electrification powered primarily with low-carbon and carbon-free electricity that benefits all communities;

(5) improves air quality and public health, targeting communities that bear a disproportionate health burden from pollution from transportation fuels;

(6) supports state solid waste recycling goals by facilitating credit generation from renewable natural gas produced from organic waste;

(7) aims to support, through credit generation or other financial means, the adoption of agricultural practices that benefit soil health and water quality while contributing to lower life-cycle greenhouse gas emissions from clean fuel feedstocks;

(8) maximizes benefits to the environment and natural resources, develops safeguards and incentives to protect natural lands, and enhances environmental integrity, including biodiversity;

(9) is the result of extensive outreach efforts to stakeholders and communities that bear a disproportionate health burden from pollution from transportation or from the production and transportation of transportation fuels; and

(10) ensures that laborers and mechanics performing work on a project funded with revenue earned by a utility from the sale of credits resulting from generation of credits for residential charging using electricity as a transportation fuel are: (i) paid the prevailing wage rate for the work as defined in section 177.42, subdivision 6; and (ii) subject to the requirements and enforcement provisions of sections 177.30 and 177.41 to 177.45.

(d) Notwithstanding section 14.125, the requirement to publish a notice of intent to adopt rules or notice of hearing within 18 months of the effective date of this act does not apply to rules adopted under this section.

Subd. 9. **Exemptions.** Aviation fuels are exempt from the clean transportation standard under this section due to federal preemption. Aviation fuel providers are eligible to elect to participate in the clean transportation standard by earning credits to fuel aircraft with aviation fuel with associated life-cycle greenhouse gas emissions lower than the per-unit standard established in subdivision 2.

Subd. 10. **Fuel provider reports.** The commissioner must collaborate with the Department of Agriculture, Department of Commerce, Department of Transportation, and the Public Utilities Commission to develop a form and a process for credit and deficit generators to annually report compliance with the carbon-intensity standard to the commissioner.

Subd. 11. **Enforcement.** The commissioner of the Pollution Control Agency may enforce this section under section 116.072, subdivision 1.

Subd. 12. **Report to the legislature.** No later than 48 months after the effective date of a rule implementing a clean transportation standard, the commissioner must submit a report detailing

program implementation to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over transportation and energy policy. The commissioner must make summary information on the program available to the public.

Subd. 13. **Reporting.** By January 15 the year five years after the effective date of a rule implementing a clean transportation standard, the commissioner must report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over energy, environment, transportation, and agriculture on the implementation of this section.

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

Sec. 2. **APPROPRIATION.**

\$900,000 in fiscal year 2024 is appropriated from the general fund to the commissioner of the Pollution Control Agency to implement this act. The money from this appropriation does not cancel, but remains available until expended. This is a onetime appropriation."

Amend the title accordingly

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

**Senator Murphy from the Committee on State and Local Government and Veterans, to which was re-referred**

**S.F. No. 2156:** A bill for an act relating to state purchasing; requiring the establishment of global warming impact standards for certain construction materials used in state buildings and roads; integrating those global warming standards into the procurement process; establishing pilot programs to report greenhouse gas emissions from the manufacture of certain products; establishing a grant program; establishing a technical advisory committee; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

Page 1, after line 18, insert:

"(c) "Electric arc furnace" means a furnace that produces molten alloy metal and heats the charge materials with electric arcs from carbon electrodes."

Page 1, line 19, delete "(c)" and insert "(d)"

Page 2, line 1, delete "(d)" and insert "(e)"

Page 2, line 8, delete "(e)" and insert "(f)"

Page 2, line 16, delete "(f)" and insert "(g)"

Page 2, line 18, delete "(g)" and insert "(h)"

Page 2, after line 19, insert:

"(i) "Integrated steel manufacturing" means the production of iron and subsequently steel from primarily iron ore or iron ore pellets. An integrated steel manufacturing process can include a blast furnace, a basic oxygen furnace for refining molten iron into steel, but may also include furnaces that continuously feed direct-reduced iron ore pellets as the primary source of iron."

Page 2, line 20, delete "(h)" and insert "(j)"

Page 2, line 23, delete "(i)" and insert "(k)"

Page 2, after line 23, insert:

"(l) "Secondary steel manufacturing" means the production of steel where primarily ferrous scrap and other metallic inputs are recycled by melting and refining in electric arc furnaces."

Page 2, line 24, delete "(j)" and insert "(m)"

Page 2, line 26, delete "(k)" and insert "(n)"

Page 2, line 28, delete "(l)" and insert "(o)"

Page 3, line 5, delete "and structural steel" and delete "2025" and insert "2026"

Page 3, line 6, after "rebar" insert "and structural steel"

Page 3, line 7, delete "2027" and insert "2028"

Page 3, line 10, delete everything after "potential"

Page 3, line 11, delete "potential"

Page 3, line 13, after "products" insert "and sub product categories" and after "material" insert "based on distinctions between eligible material production and manufacturing processes such as integrated versus secondary steel production"

Page 3, line 28, delete "any"

Page 3, line 29, delete "material" and insert "materials" and delete "that"

Page 3, line 30, delete "material or product" and insert "materials or products" and after "established" insert "of that category"

Page 4, lines 11 and 14, delete "..." and insert "five"

Page 4, line 28, after "accessible" insert "or agreed upon existing publicly accessible"

Page 5, delete subdivisions 7 and 8

Page 7, delete subdivision 9 and insert:

"Subd. 7. **Grants to manufacturers of eligible materials.** (a) The commissioner of employment and economic development shall design and implement a program to award grants to assist manufacturers of eligible materials located in Minnesota to obtain environmental product declarations for eligible materials. The commissioner of employment and economic development shall make grants to manufacturers of eligible materials using criteria, forms, applications, and reporting requirements developed by the commissioner.

(b) To be eligible for a grant under this subdivision, a manufacturer must have primary business operations located in the state of Minnesota and manufacture an eligible material.

(c) Grants under this subdivision shall be awarded on a first-come, first-served basis.

(d) A grant awarded under this subdivision may pay up to 30 percent of the cost of obtaining an environmental product declaration. In determining the amount of a grant award, the commissioner of employment and economic development shall consider the cost of obtaining an environmental product declaration for the product, the size and financial strength of the manufacturer, and other criteria deemed relevant by the commissioner.

(e) A manufacturer may not receive more than one grant award under this subdivision.

Subd. 8. **Distribution of awards.** Of grant funds awarded under this section, a minimum of \$..... must be awarded to manufacturers that are majority owned and operated by members of a targeted group as defined in section 16C.16, subdivision 5; majority owned and operated by a veteran as defined in section 16C.16, subdivision 6a; or are located in an economically disadvantaged area in Minnesota as defined in section 16C.16, subdivision 7.

Subd. 9. **Statewide program.** In proportion to eligible demand, grants under this section shall be made so that an approximately equal dollar amount of grants are made to manufacturers in the metropolitan area as in the nonmetropolitan area. After June 30, 2024, the department may allow grants to be made anywhere in the state without regard to geographic area.

Subd. 10. **Administration.** The commissioner of employment and economic development may use up to five percent of this appropriation to administer these grants.

Subd. 11. **Environmental standards procurement task force.** (a) No later than October 1, 2023, the commissioners of administration and transportation must establish an environmental standards procurement task force to examine issues surrounding the implementation of a program requiring vendors of certain construction materials purchased by the state to:

(1) submit environmental product declarations that assess the lifecycle environmental impacts of those materials to state officials as part of the procurement process; and

(2) meet standards established by the commissioner of administration that limit greenhouse gas emissions impacts of those materials.

(b) The task force must examine, at a minimum, the following:

(1) which construction materials should be subject to the program requirements;



(2) what factors should be considered in establishing greenhouse gas emissions standards including distinctions between eligible material production and manufacturing processes such as integrated versus secondary steel production;

(3) a schedule for the development of standards for specific materials and for incorporating the standards into the purchasing process including distinctions between eligible material production and manufacturing processes;

(4) the development and use of financial incentives to reward vendors for developing products whose greenhouse gas emissions are below the standards;

(5) the provision of grants to defer a vendor's cost to obtain environmental product declarations;

(6) how the issues in clauses (1) to (5) are addressed by existing programs in other states and countries;

(7) coordinate with the federal Buy Clean Task Force established under Executive Order 14057 and representatives of the United States Departments of Commerce, Energy, Housing and Urban Development, Transportation, Environmental Protection Agency, General Services Administration, White House Office of Management and Budget, and the White House Domestic Climate Policy Council; and

(8) any other issues the task force deems relevant.

(c) Members of the task force must include, but may not be limited to, representatives of:

(1) the Departments of Administration and Transportation;

(2) the Center for Sustainable Building Research at the University of Minnesota;

(3) manufacturers of eligible materials;

(4) industry associations from eligible sectors;

(5) industry representatives from eligible sectors;

(6) suppliers of eligible materials;

(7) building and transportation construction firms;

(8) organized labor in the construction trades;

(9) organized labor in the manufacturing or industrial sectors;

(10) environmental advocacy organizations; and

(11) environmental justice organizations.

(d) The Department of Administration shall provide meeting space and serve as staff to the task force.

(e) The commissioner of administration, or the commissioner's designee, shall serve as chair of the task force. The task force shall meet at least four times annually, and shall convene additional meetings at the call of the chair.

(f) The commissioner of administration shall summarize the findings and recommendations of the task force in a report submitted to the chairs and ranking minority members of the senate and house of representatives committees with primary responsibility for state government, transportation, and energy no later than December 1, 2025.

(g) The task force is subject to section 15.059, subdivision 6.

Subd. 12. **Reports.** (a) No later than February 1, 2024, the task force will submit a written report about membership of the task force, incorporating related studies from the Department of Transportation, the Department of Administration, and any other additions for the written report due no later than February 1, 2026, to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over climate policy and state government.

(b) No later than February 1, 2026, the commissioner of administration, after consulting with the commissioner of transportation, shall submit a written report to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over climate policy and state government that contains, at a minimum, the following information:

(1) the maximum global warming potential values established for each eligible material under subdivision 3;

(2) the experience of vendors in obtaining environmental product declarations for eligible materials, including the cost of and time required to obtain environmental product declarations;

(3) impacts of the requirement to submit environmental product declarations on the procurement process, including but not limited to the number of bids received for eligible materials and the length of the bidding process;

(4) estimates of greenhouse gas emissions reductions resulting from operation of the program required under this section;

(5) estimates of increases in the cost of eligible materials, if any, resulting from implementation of the program required under this section; and

(6) results of the pilot program required under subdivision 5, and any recommendations to change or expand the program."

Page 7, after line 20, insert:

"Sec. 2. **APPROPRIATION.**

\$500,000 is appropriated to the Department of Employment and Economic Development to give grants as described in section 1, subdivision 8."

Amend the title accordingly

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

**Senator Murphy from the Committee on State and Local Government and Veterans, to which was referred**

**S.F. No. 1937:** A bill for an act relating to environment; reinstating citizen membership for Pollution Control Agency; amending Minnesota Statutes 2022, sections 116.02; 116.03, subdivisions 1, 2a.

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 2022, section 116.02, is amended to read:

**116.02 POLLUTION CONTROL AGENCY; CREATION AND POWERS.**

Subdivision 1. **Creation.** A pollution control agency, designated as the Minnesota Pollution Control Agency, ~~is hereby created~~ consists of the commissioner and eight members appointed by the governor, by and with the advice and consent of the senate.

Subd. 2a. **Terms, compensation, removal, vacancies.** The membership terms, compensation, removal of members, and filling of vacancies on the agency is as provided in section 15.0575.

Subd. 3a. **Membership.** (a) The membership of the Pollution Control Agency must be broadly representative of the skills and experience necessary to effectuate the policy of sections 116.01 to 116.075, except that no member other than the commissioner may be an officer or employee of the state or federal government.

(b) The membership of the Pollution Control Agency must reflect the diversity of the state of Minnesota in terms of race, gender, and geography.

(c) Only two members at one time may be officials or employees of a municipality or any governmental subdivision, but neither may be a member ex-officio or otherwise on the management board of a municipal sanitary sewage disposal system.

(d) Membership must include:

(1) at least one enrolled member of one of the 11 federally recognized Tribes in the state;

(2) at least three members who live in environmental justice communities and identify as American Indian or Alaskan Natives, Black or African American, Hispanic or Latino, Asian, Pacific Islander, members of a community of color, or low-income. An environmental justice community means a community with significant representation of communities of color, low-income communities, or Tribal and Indigenous communities, that experience, or are at risk of experiencing, higher or more adverse human health or environmental effects;

(3) at least one livestock or crop, or both, farmer with fewer than 200 heads of livestock or 500 acres of cropland, or both; and

(4) at least one member of a labor union.

Subd. 4a. **Chair.** The commissioner serves as chair of the agency. The agency elects other officers as the agency deems necessary.

Subd. 5. **Agency successor to commission.** The Minnesota Pollution Control Agency is the successor of the Water Pollution Control Commission, and all powers and duties now vested in or imposed upon said commission by chapter 115, or any act amendatory thereof or supplementary thereto, are hereby transferred to, imposed upon, and vested in the commissioner of the Minnesota Pollution Control Agency.

Subd. 6a. **Required decisions.** (a) The agency must make final decisions on the following matters:

(1) a petition for preparing an environmental assessment worksheet, if the project proposer or a person commenting on the proposal requests that the decision be made by the agency and the agency requests that it make the decision under subdivision 8a;

(2) the need for an environmental impact statement following preparation of an environmental assessment worksheet under applicable rules, if:

(i) the agency has received a request for an environmental impact statement;

(ii) the project proposer or a person commenting on the proposal requests that the declaration be made by the agency and the agency requests that it make the decision under subdivision 8a; or

(iii) the commissioner is recommending preparation of an environmental impact statement;

(3) the scope and adequacy of environmental impact statements;

(4) issuing, reissuing, modifying, or revoking a permit;

(5) final adoption or amendment of agency rules for which a public hearing is required under section 14.25 or for which the commissioner decides to proceed directly to a public hearing under section 14.14, subdivision 1;

(6) approving or denying an application for a variance from an agency rule; and

(7) whether to reopen, rescind, or reverse a decision of the agency.

(b) In reviewing projects, the board will consider whether there has been free prior and informed consent via government-to-government consultation with Tribal nations, and the way a project will impact the ability of communities to exercise rights guaranteed by treaties.

Subd. 7a. **Additional decisions.** The commissioner may request that the agency make additional decisions or provide advice to the commissioner.

Subd. 8a. **Other actions.** (a) Any other action not specifically within the authority of the commissioner must be made by the agency if:

(1) before the commissioner's final decision on the action, one or more members of the agency notify the commissioner of their request that the decision be made by the agency; or

(2) any person submits a petition to the commissioner requesting that the decision be made by the agency and the commissioner grants the petition.

(b) If the commissioner denies a petition submitted under paragraph (a), clause (2), the commissioner must advise the agency and the petitioner of the reasons for the denial.

Subd. 9a. **Providing information.** (a) The commissioner must inform interested persons as appropriate in public notices, and other public documents, of their right to request the agency to make decisions in specific matters according to subdivision 6a and the right of agency members to request that decisions be made by the agency according to subdivision 8a.

(b) The commissioner must regularly inform the agency of activities that have broad policy implications or potential environmental significance and of activities in which the public has exhibited substantial interest.

Subd. 11. **Changing decisions.** (a) The agency must not reopen, rescind, or reverse a decision of the agency except upon:

(1) the affirmative vote of two-thirds of the agency; or

(2) a finding that there was an irregularity in a hearing related to the decision, an error of law, or a newly discovered material issue of fact.

(b) The requirements in paragraph (a) are minimum requirements and do not limit the agency's authority under sections 14.06 and 116.07, subdivision 3, to adopt rules:

(1) applying the requirement in paragraph (a), clause (1) or (2), to certain decisions of the agency;  
or

(2) establishing additional or more stringent requirements for reopening, rescinding, or reversing decisions of the agency.

Subd. 12. **Conflict of interest.** A public member of the Pollution Control Agency must not participate in the discussion or decision on a matter in which the member or an immediate family member has a financial interest.

Sec. 2. Minnesota Statutes 2022, section 116.03, subdivision 1, is amended to read:

Subdivision 1. **Office.** (a) The Office of Commissioner of the Pollution Control Agency is created and is under the supervision and control of the commissioner, who is appointed by the governor under the provisions of section 15.06.

(b) The commissioner may appoint a deputy commissioner and assistant commissioners who ~~shall be~~ are in the unclassified service.

(c) The commissioner shall make all decisions on behalf of the agency that are not required to be made by the agency under section 116.02.

Sec. 3. Minnesota Statutes 2022, section 116.03, subdivision 2a, is amended to read:

Subd. 2a. **Mission; efficiency.** It is part of the agency's mission that within the agency's resources, the commissioner and the members of the agency shall endeavor to:

- (1) prevent the waste or unnecessary spending of public money;
- (2) use innovative fiscal and human resource practices to manage the state's resources and operate the agency as efficiently as possible;
- (3) coordinate the agency's activities wherever appropriate with the activities of other governmental agencies;
- (4) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;
- (5) ~~utilize~~ use constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;
- (6) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and
- (7) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the agency.

**Sec. 4. POLLUTION CONTROL AGENCY PUBLIC MEMBERS; INITIAL APPOINTMENTS AND TERMS.**

The governor must appoint public members of the Pollution Control Agency under Minnesota Statutes, section 116.02, by August 1, 2023. The governor shall designate two of the members first appointed to serve a term of one year, two members to serve a term of two years, two members to serve a term of three years, and two members to serve a term of four years."

Amend the title accordingly

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

**Senator Latz from the Committee on Judiciary and Public Safety, to which was re-referred**

**S.F. No. 754:** A bill for an act relating to contracts; modifying and clarifying requirements relating to building and construction contracts; amending Minnesota Statutes 2022, sections 15.71, by adding subdivisions; 15.72, by adding a subdivision; 337.01, subdivision 3; 337.05, subdivision 1.

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

Page 2, delete lines 11 to 13 and insert:

"(c) Paragraph (b) does not affect the validity of a provision that requires a party to provide or obtain workers' compensation insurance, construction performance or payment bonds, builder's risk policies, owner or contractor-controlled insurance programs or policies, or project-specific insurance for claims arising out of the promisor's negligent acts or omissions or the negligent acts or omissions of the promisor's, independent contractors, agents, employees, or delegates."

Page 3, line 3, delete the new language and strike the old language

Page 3, line 4, strike everything before the period and insert "builder's risk policies, owner or contractor-controlled insurance programs or policies, or project-specific insurance for claims arising out of the promisor's negligent acts or omissions or the negligent acts or omissions of the promisor's, independent contractors, agents, employees, or delegates"

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

**Senator Latz from the Committee on Judiciary and Public Safety, to which was referred**

**S.F. No. 2798:** A bill for an act relating to public safety; modifying the Minneapolis police department appointments; amending Laws 1961, chapter 108, section 1, as amended.

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

Page 1, line 15, strike "patrolman" and insert "patrol officer"

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

**Senator Latz from the Committee on Judiciary and Public Safety, to which was re-referred**

**S.F. No. 1337:** A bill for an act relating to public safety; modifying provisions related to Driver and Vehicle Services work, including modifying ignition interlock program, eliminating license reinstatement knowledge examinations, and establishing criminal penalty for obstructing DVS employees; amending Minnesota Statutes 2022, sections 171.306, subdivision 4; 609.50, subdivision 1; repealing Minnesota Statutes 2022, section 171.29, subdivision 1.

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

**Senator Latz from the Committee on Judiciary and Public Safety, to which was referred**

**S.F. No. 814:** A bill for an act relating to judiciary; permitting complaints in certain forfeiture matters to be served by certified mail; permitting statements of claim in certain forfeiture matters to be served pursuant to the Rules of Conciliation Court Procedure; removing references to a repealed statute; amending Minnesota Statutes 2022, sections 169A.63, subdivision 8; 504B.301; 609.5314, subdivision 3; repealing Minnesota Statutes 2022, section 504B.305.

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

**Senator Latz from the Committee on Judiciary and Public Safety, to which was referred**

**S.F. No. 1941:** A bill for an act relating to public safety; allowing use of preliminary breath screening tool for alcohol as court admissible evidence for drivers of commercial vehicles; amending Minnesota Statutes 2022, section 169A.41, 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 2022, section 169A.41, subdivision 1, is amended to read:

Subdivision 1. **When authorized.** When a peace officer has reason to believe from the manner in which a person is driving, operating, controlling, or acting upon departure from a motor vehicle, or has driven, operated, or controlled a motor vehicle, that the driver may be violating or has violated section 169A.20 (driving while impaired), 169A.31 (alcohol-related school bus or Head Start bus driving), ~~or 169A.33 (underage drinking and driving), 221.0314 (alcohol-related commercial driving), or 221.605 (alcohol-related commercial driving)~~, the officer may require the driver to provide a sample of the driver's breath for a preliminary screening test using a device approved by the commissioner for this purpose."

Renumber the sections in sequence

Amend the title numbers accordingly

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 1311, 661, 1529, 927, 1025, 894, 2323, 745, 1816, 1367, 2282, 1871, 1866, 1900, 2798, 814, and 1941 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. No. 45 was read the second time.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senator Bahr introduced--**

**S.F. No. 2799:** A bill for an act relating to retirement; correctional state employees retirement plan; authorizing the transfer of service credit from the Minnesota State Retirement System general plan to the Minnesota State Retirement System correctional plan upon payment by an eligible member.

Referred to the Committee on State and Local Government and Veterans.



**Senator Kupec introduced--**

**S.F. No. 2800:** A bill for an act relating to health; expanding membership on rural health advisory committee; amending Minnesota Statutes 2022, section 144.1481, subdivision 1.

Referred to the Committee on Health and Human Services.

**Senator Johnson introduced--**

**S.F. No. 2801:** A bill for an act relating to capital investment; appropriating money for the Thief River Falls Regional Airport; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Eichorn, Lang, Howe, Bahr, and Lucero introduced--**

**S.F. No. 2802:** A bill for an act relating to the legislature; establishing certain requirements for members proposing firearms legislation; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Judiciary and Public Safety.

**Senators Kunesh, Mann, Frenz, Lieske, and Abeler introduced--**

**S.F. No. 2803:** A bill for an act relating to arts and cultural heritage; appropriating money to the Tibetan American Foundation of Minnesota.

Referred to the Committee on Environment, Climate, and Legacy.

**Senators Carlson, Dibble, Port, Coleman, and Jasinski introduced--**

**S.F. No. 2804:** A bill for an act relating to transit; appropriating money for transit service.

Referred to the Committee on Transportation.

**Senators Dibble, Housley, Klein, Morrison, and Abeler introduced--**

**S.F. No. 2805:** A bill for an act relating to taxation; property; allowing valuation reductions for conservation easements; amending Minnesota Statutes 2022, section 273.117.

Referred to the Committee on Taxes.

**Senators Hoffman and Abeler introduced--**

**S.F. No. 2806:** A bill for an act relating to education finance; increasing approved recovery program grant amounts; appropriating money; amending Minnesota Statutes 2022, section 124D.695.

Referred to the Committee on Education Finance.

**Senator Putnam introduced--**

**S.F. No. 2807:** A bill for an act relating to capital investment; appropriating money for a grant to Navigate to provide a regional opportunity center.

Referred to the Committee on Capital Investment.

**Senators Kupec and Jasinski introduced--**

**S.F. No. 2808:** A bill for an act relating to transportation; creating exemption for hours of service requirements for intrastate transport of heating fuel during an emergency; amending Minnesota Statutes 2022, section 221.0269, by adding a subdivision.

Referred to the Committee on Transportation.

**Senators Seeberger, Hauschild, Gustafson, and Kupec introduced--**

**S.F. No. 2809:** A bill for an act relating to public safety; health and human services; permitting certain retired peace officers to be eligible to participate in the state insurance program; establishing a program for college degree holders to complete peace officer education and training; appropriating money; amending Minnesota Statutes 2022, section 43A.316, subdivisions 2, 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Judiciary and Public Safety.

**Senators Maye Quade, Wiklund, and Morrison introduced--**

**S.F. No. 2810:** A bill for an act relating to consumer data privacy; creating the Minnesota Age-Appropriate Design Code Act; placing obligations on certain businesses regarding children's consumer information; providing for enforcement by the attorney general; proposing coding for new law in Minnesota Statutes, chapter 13; proposing coding for new law as Minnesota Statutes, chapter 325O.

Referred to the Committee on Commerce and Consumer Protection.

**Senator Hawj introduced--**

**S.F. No. 2811:** A bill for an act relating to natural resources; appropriating money for efforts to ensure Department of Natural Resources staff includes members of communities traditionally underrepresented.

Referred to the Committee on Environment, Climate, and Legacy.

**Senator Westlin introduced--**

**S.F. No. 2812:** A bill for an act relating to corrections; establishing a local correctional officers discipline procedures act; proposing coding for new law in Minnesota Statutes, chapter 641.

Referred to the Committee on Judiciary and Public Safety.

**Senator Xiong introduced--**

**S.F. No. 2813:** A bill for an act relating to human services; appropriating money to Catholic Charities of St. Paul and Minneapolis for its operation of the homeless elders program.

Referred to the Committee on Health and Human Services.

**Senator Kupec introduced--**

**S.F. No. 2814:** A bill for an act relating to education finance; authorizing a fund transfer for Independent School District No. 152, Moorhead Area Public Schools.

Referred to the Committee on Education Finance.

**Senators Dibble, Champion, Mohamed, Fateh, and Wiklund introduced--**

**S.F. No. 2815:** A bill for an act relating to stadium finance; modifying city of Minneapolis local sales and use tax provisions, lawful gambling tax provisions, and other stadium-related provisions; providing for certain bonds to be retired early; modifying requirements for operating expenses and capital improvements; appropriating money; amending Minnesota Statutes 2022, sections 16A.726; 297A.994, subdivision 4, by adding a subdivision; 297E.021, subdivision 4; 473J.03, subdivision 2; 473J.13, subdivision 4.

Referred to the Committee on Taxes.

**Senator Howe introduced--**

**S.F. No. 2816:** A bill for an act relating to state government; prohibiting the addition of a community rooftop garden at the State Office Building.

Referred to the Committee on State and Local Government and Veterans.

**Senator Koran introduced--**

**S.F. No. 2817:** A bill for an act relating to the legislature; establishing certain requirements for members proposing firearms legislation; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Judiciary and Public Safety.

**Senator Wiklund introduced--**

**S.F. No. 2818:** A bill for an act relating to human services; modifying and establishing laws regarding aging, disability, behavioral health, substance use disorder, housing, economic assistance, children and family services, health care, licensing, Department of Human Services Office of Inspector General, and conversion therapy; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 13.46, subdivision 4; 62N.25, subdivision 5; 62Q.1055; 62Q.47; 62V.05, subdivision 4a; 122A.18, subdivision 8; 169A.70, subdivisions 3, 4; 245.462, subdivisions 3, 12; 245.4661, subdivision 9; 245.469, subdivision 3; 245.4711, subdivisions 3, 4; 245.477;

245.4835, subdivision 2; 245.4871, subdivisions 3, 19; 245.4873, subdivision 4; 245.4881, subdivisions 3, 4; 245.4885, subdivision 1; 245.4887; 245.50, subdivision 5; 245A.02, subdivisions 5a, 10b; 245A.03, subdivision 7; 245A.04, subdivisions 1, 4, 7; 245A.041, by adding a subdivision; 245A.043, subdivision 3; 245A.05; 245A.07, subdivisions 1, 2a, 3; 245A.10, subdivisions 3, 4; 245A.11, subdivision 7, by adding a subdivision; 245A.14, subdivision 4; 245A.1435; 245A.146, subdivision 3; 245A.16, subdivisions 1, 9, by adding a subdivision; 245A.18, subdivision 2; 245A.52, subdivisions 1, 2, 3, 5, by adding subdivisions; 245A.66, by adding a subdivision; 245C.02, subdivisions 6a, 11c, by adding subdivisions; 245C.03, subdivisions 1, 1a, 4, 5, 5a; 245C.031, subdivisions 1, 4; 245C.05, subdivisions 1, 5a, by adding a subdivision; 245C.07; 245C.08, subdivision 1; 245C.10, subdivision 4; 245C.15, subdivision 4a; 245C.30, subdivision 2; 245C.31, subdivision 1; 245C.33, subdivision 4; 245D.03, subdivision 1; 245E.06, subdivision 3; 245E.08; 245G.05, subdivision 2; 245G.07, subdivision 3a; 245G.13, subdivision 2; 245G.22, subdivision 2; 245H.03, by adding a subdivision; 245H.05; 245H.08, subdivisions 4, 5; 245H.13, subdivisions 3, 7, 9; 245I.20, subdivision 10; 246.0135; 254A.03, subdivision 3; 254A.035, subdivision 2; 254A.19, subdivisions 1, 3, 4, by adding subdivisions; 254B.01, subdivision 5, by adding subdivisions; 254B.03, subdivisions 1, 2, 5; 254B.04, subdivisions 1, 2a, by adding subdivisions; 254B.05, subdivisions 1a, 5; 256.01, by adding a subdivision; 256.478, by adding subdivisions; 256.9685, subdivisions 1a, 1b; 256.9686, by adding a subdivision; 256B.04, subdivision 15; 256B.056, by adding a subdivision; 256B.0622, subdivision 8; 256B.0625, subdivisions 3a, 16, by adding a subdivision; 256B.064; 256B.0911, subdivision 23; 256B.092, subdivision 10; 256B.093, subdivision 1; 256B.0946, subdivision 6; 256B.0947, subdivision 7a; 256B.27, subdivision 3; 256B.439, subdivisions 3c, 3d; 256B.492; 256B.493, subdivisions 2a, 4; 256D.02, by adding a subdivision; 256D.07; 256D.09, subdivision 2a; 256I.03, subdivision 15, by adding a subdivision; 256I.04, subdivision 2; 256I.06, subdivision 3; 256I.09; 256J.08, subdivision 21; 256J.09, subdivision 3; 256J.95, subdivision 5; 256L.03, subdivisions 1, 2; 256L.12, subdivision 8; 256N.24, subdivision 12; 256P.01, by adding a subdivision; 256P.04, by adding a subdivision; 256S.202, subdivision 1; 260B.157, subdivisions 1, 3; 260C.157, subdivision 3; 260C.221, subdivision 1; 260C.317, subdivision 3; 260E.20, subdivision 1; 299A.299, subdivision 1; 325F.69, by adding a subdivision; 518A.43, subdivision 1b; 524.5-104; 524.5-118, subdivision 2a; 524.5-313; Laws 2021, First Special Session chapter 7, article 2, section 17; article 6, section 12; article 11, section 18; article 13, section 43; article 17, section 20; Laws 2022, chapter 98, article 4, section 37; proposing coding for new law in Minnesota Statutes, chapters 119B; 214; 245; 245A; repealing Minnesota Statutes 2022, sections 169A.70, subdivision 6; 245A.144; 245A.175; 245A.22; 245C.02, subdivision 9; 245C.301; 245G.22, subdivision 19; 254A.02, subdivision 8a; 254A.16, subdivision 6; 254A.19, subdivisions 1a, 2, 5; 254B.04, subdivisions 2b, 2c; 254B.041, subdivision 2; 254B.13, subdivisions 1, 2, 2a, 4, 5, 6, 7, 8; 254B.16; 256.9685, subdivisions 1c, 1d; 256B.49, subdivision 23; 256D.63, subdivision 1; 256I.03, subdivision 6; 260.835, subdivision 2; 518A.59; Minnesota Rules, parts 2960.3070; 2960.3210; 9502.0425, subparts 5, 10; 9505.0235; 9505.0505, subpart 18; 9505.0520, subpart 9b.

Referred to the Committee on Health and Human Services.

**Senator Wiklund introduced--**

**S.F. No. 2819:** A bill for an act relating to human services; modifying the procedure for sanctions; modifying background studies conducted by the Department of Human Services; modifying definitions; modifying applications and application process; modifying license fees; modifying commissioner of health access to recipient medical records; modifying notice requirements for

monetary recovery and sanctions; modifying administrative reconsideration process; modifying licensing data; modifying when email addresses are made public; prohibiting prone restraints in licensed or certified facilities; amending Minnesota Statutes 2022, sections 13.46, subdivision 4; 62V.05, subdivision 4a; 122A.18, subdivision 8; 245A.02, subdivisions 5a, 10b; 245A.04, subdivisions 1, 7; 245A.041, by adding a subdivision; 245A.07, subdivisions 2a, 3; 245A.10, subdivisions 3, 4; 245A.16, subdivision 1; 245C.02, subdivisions 6a, 11c, by adding subdivisions; 245C.03, subdivisions 1, 1a, 4, 5, 5a; 245C.031, subdivisions 1, 4; 245C.05, subdivisions 1, 5a, by adding a subdivision; 245C.07; 245C.08, subdivision 1; 245C.10, subdivision 4; 245C.30, subdivision 2; 245C.31, subdivision 1; 245C.33, subdivision 4; 245H.13, subdivision 9; 245I.20, subdivision 10; 256.9685, subdivisions 1a, 1b; 256.9686, by adding a subdivision; 256B.04, subdivision 15; 256B.064; 256B.27, subdivision 3; 524.5-118, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 2022, sections 245A.22; 245C.02, subdivision 9; 245C.301; 256.9685, subdivisions 1c, 1d; Minnesota Rules, parts 9505.0505, subpart 18; 9505.0520, subpart 9b.

Referred to the Committee on Health and Human Services.

**Senators Dibble, Hawj, and Champion introduced--**

**S.F. No. 2820:** A bill for an act relating to legacy; appropriating money to restore Berger Fountain in Loring Park in Minneapolis and for related improvements to the surrounding plaza.

Referred to the Committee on Environment, Climate, and Legacy.

**Senators Seeberger and Mann introduced--**

**S.F. No. 2821:** A bill for an act relating to health care; establishing grants for medical resource communication centers; appropriating money; amending Minnesota Statutes 2022, section 144E.001, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144E.

Referred to the Committee on Health and Human Services.

**Senators Coleman, Duckworth, Nelson, Abeler, and Housley introduced--**

**S.F. No. 2822:** A bill for an act relating to health; appropriating money for the positive alternative grants program.

Referred to the Committee on Health and Human Services.

**Senator Mathews introduced--**

**S.F. No. 2823:** A bill for an act relating to energy; appropriating money for a feasibility study on the use of hydrogen produced by nuclear power plants in Minnesota.

Referred to the Committee on Energy, Utilities, Environment, and Climate.

**Senators Mathews, Eichorn, Rarick, and Hoffman introduced--**

**S.F. No. 2824:** A bill for an act relating to energy; authorizing certificates of need for certain small modular reactors; amending Minnesota Statutes 2022, section 216B.243, subdivision 3b.

Referred to the Committee on Energy, Utilities, Environment, and Climate.

**Senators Murphy, Oumou Verbeten, Westlin, and Pappas introduced--**

**S.F. No. 2825:** A bill for an act relating to public safety; authorizing local governmental units to prohibit or restrict the possession of dangerous weapons, ammunition, or explosives in local government-owned or leased buildings and land; amending Minnesota Statutes 2022, section 609.66, by adding a subdivision.

Referred to the Committee on Judiciary and Public Safety.

**Senator Mann introduced--**

**S.F. No. 2826:** A bill for an act relating to capital investment; appropriating money for the Latino Museum of Minnesota.

Referred to the Committee on Capital Investment.

**Senators Latz and Westlin introduced--**

**S.F. No. 2827:** A bill for an act relating to public safety; modifying regulation of machine guns; amending Minnesota Statutes 2022, section 609.67, subdivision 2.

Referred to the Committee on Judiciary and Public Safety.

**Senator Pappas introduced--**

**S.F. No. 2828:** A bill for an act relating to arts and cultural heritage; appropriating money to the Minnesota Transportation Museum.

Referred to the Committee on Environment, Climate, and Legacy.

**Senator Coleman introduced--**

**S.F. No. 2829:** A bill for an act relating to taxation; sales and use; modifying the definition of prepared food; amending Minnesota Statutes 2022, section 297A.61, subdivision 31.

Referred to the Committee on Taxes.

**Senator Kunesh introduced--**

**S.F. No. 2830:** A bill for an act relating to capital investment; appropriating money for an inclusive and accessible playground in the city of Fridley; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Wiklund introduced--**

**S.F. No. 2831:** A bill for an act relating to child care assistance; removing obsolete language; amending Minnesota Statutes 2022, section 119B.125, subdivision 1b.

Referred to the Committee on Health and Human Services.

**Senators Mohamed, McEwen, Seeberger, Latz, and Oumou Verbeten introduced--**

**S.F. No. 2832:** A bill for an act relating to public safety; establishing a right for juveniles to consult with an attorney before an interrogation; requiring notification to parents; requiring record keeping; proposing coding for new law in Minnesota Statutes, chapter 260B.

Referred to the Committee on Judiciary and Public Safety.

**Senators Lieske, Duckworth, Seeberger, Coleman, and Hoffman introduced--**

**S.F. No. 2833:** A bill for an act relating to retirement; public employees police and fire retirement plan; increasing the reemployment earnings limit applicable to disability benefit payments; amending Minnesota Statutes 2022, section 353.656, subdivision 4.

Referred to the Committee on State and Local Government and Veterans.

**Senators Seeberger, Gustafson, Hauschild, and Oumou Verbeten introduced--**

**S.F. No. 2834:** A bill for an act relating to public safety; making funding for the Philando Castile Memorial Training Fund permanent; appropriating money; amending Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3.

Referred to the Committee on Judiciary and Public Safety.

**Senators Oumou Verbeten, Kunesh, Westlin, and Seeberger introduced--**

**S.F. No. 2835:** A bill for an act relating to local government; establishing the County Law Library Task Force; requiring a report; appropriating money.

Referred to the Committee on State and Local Government and Veterans.

**Senators Mohamed, McEwen, Seeberger, Latz, and Oumou Verbeten introduced--**

**S.F. No. 2836:** A bill for an act relating to judiciary; excluding certain statements made by juveniles from being admitted as evidence in delinquency or criminal proceedings; proposing coding for new law in Minnesota Statutes, chapter 634.

Referred to the Committee on Judiciary and Public Safety.

**Senators Abeler, Coleman, Kupec, Hoffman, and Morrison introduced--**

**S.F. No. 2837:** A bill for an act relating to transportation; establishing Donate Life special plates; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation.

**Senators Abeler, Pratt, and Mathews introduced--**

**S.F. No. 2838:** 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.

**Senators Eichorn, Hauschild, Farnsworth, Weber, and Kupec introduced--**

**S.F. No. 2839:** A bill for an act relating to taxation; sales and use; providing an exemption for certain purchases by nonprofit all-terrain vehicle clubs; amending Minnesota Statutes 2022, section 297A.70, by adding a subdivision.

Referred to the Committee on Taxes.

**Senators Kupec, Frenz, and Putnam introduced--**

**S.F. No. 2840:** A bill for an act relating to higher education; creating a state employee scholarship; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136F.

Referred to the Committee on Higher Education.

**Senators Dahms, Weber, and Kupec introduced--**

**S.F. No. 2841:** A bill for an act relating to capital investment; appropriating money for replacement of water infrastructure and street reconstruction in the city of Russell; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Morrison introduced--**

**S.F. No. 2842:** A bill for an act relating to taxation; imposing a gross revenues tax on entities manufacturing and selling products containing PFAS; creating a xx cleanup account in the special revenue fund; establishing the XX Advisory Commission; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 295.

Referred to the Committee on Taxes.



**Senator Morrison introduced--**

**S.F. No. 2843:** A bill for an act relating to transportation; appropriating money for the small cities assistance program.

Referred to the Committee on Transportation.

**Senators Port, Boldon, Marty, and Murphy introduced--**

**S.F. No. 2844:** A bill for an act relating to housing; establishing the community and household stability fund; establishing the homeownership opportunity fund; establishing the rental opportunity fund; apportioning the state general levy for the community and household stability fund, homeownership opportunity fund, and rental opportunity fund; requiring reports; amending Minnesota Statutes 2022, section 275.025, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 256K; 462A.

Referred to the Committee on Housing and Homelessness Prevention.

**Senators Murphy and Port introduced--**

**S.F. No. 2845:** A bill for an act relating to campaign finance; regulating small donor political committees and funds; establishing a small donor state match program; exempting certain candidate expenditures from aggregate expenditure limits; repealing the campaign public subsidy program; transferring money; amending Minnesota Statutes 2022, sections 10A.01, by adding subdivisions; 10A.20, subdivision 3; 10A.25, subdivisions 1, 2, by adding subdivisions; 10A.257, subdivision 1; 10A.31, subdivision 4; 10A.322, subdivision 1; 10A.323; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 2022, sections 10A.31, subdivisions 5, 5a, 6, 6a, 7, 7a, 7b, 10, 10a, 10b, 11; 10A.315; 10A.321; 10A.324, subdivisions 1, 3.

Referred to the Committee on Elections.

**Senators Maye Quade, Coleman, Boldon, Morrison, and Port introduced--**

**S.F. No. 2846:** A bill for an act relating to health; providing for informed consent for sensitive examinations of an anesthetized or unconscious patient; establishing a penalty; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

**Senator Frentz introduced--**

**S.F. No. 2847:** A bill for an act relating to commerce; establishing a biennial budget for Department of Commerce; modifying various provisions governing insurance; establishing a strengthen Minnesota homes program; regulating money transmitters; establishing and modifying provisions governing energy, renewable energy, and utility regulation; establishing a state competitiveness fund; making technical changes; establishing penalties; authorizing administrative rulemaking; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 46.131, subdivision 11; 62D.02, by adding a subdivision; 62D.095, subdivisions 2, 3, 4, 5; 62Q.46,

subdivisions 1, 3; 62Q.81, subdivision 4, by adding a subdivision; 216B.62, subdivision 3b; 216C.264, subdivision 5, by adding subdivisions; 216C.375, subdivisions 1, 3, 10, 11; proposing coding for new law in Minnesota Statutes, chapters 53B; 65A; 216C; repealing Minnesota Statutes 2022, sections 53B.01; 53B.02; 53B.03; 53B.04; 53B.05; 53B.06; 53B.07; 53B.08; 53B.09; 53B.10; 53B.11; 53B.12; 53B.13; 53B.14; 53B.15; 53B.16; 53B.17; 53B.18; 53B.19; 53B.20; 53B.21; 53B.22; 53B.23; 53B.24; 53B.25; 53B.26; 53B.27, subdivisions 1, 2, 5, 6, 7.

Referred to the Committee on Commerce and Consumer Protection.

**Senator Weber introduced--**

**S.F. No. 2848:** A bill for an act relating to local taxes; authorizing the city of Jackson to impose a sales tax.

Referred to the Committee on Taxes.

**Senator Boldon introduced--**

**S.F. No. 2849:** A bill for an act relating to economic development; clarifying the calculation of state transit aid and clarifying definitions related to the Destination Medical Center; amending Minnesota Statutes 2022, sections 469.40, subdivision 11; 469.47, subdivisions 1, 5.

Referred to the Committee on Jobs and Economic Development.

**Senators Boldon, Maye Quade, Oumou Verbeten, Cwodziński, and Coleman introduced--**

**S.F. No. 2850:** A bill for an act relating to education; establishing a statewide children's savings account program for higher education and business training; establishing local partner start-up and expansion grants; requiring a report; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 119C.

Referred to the Committee on Education Finance.

**Senators Nelson and Rasmusson introduced--**

**S.F. No. 2851:** A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 4; providing for staggered terms for senators.

Referred to the Committee on Elections.

**Senator Nelson introduced--**

**S.F. No. 2852:** A bill for an act relating to taxation; local sales and use; modifying requirements to enact or modify a local sales tax; amending Minnesota Statutes 2022, section 297A.99, subdivisions 1, 2, 3.

Referred to the Committee on Taxes.

**Senator Nelson introduced--**

**S.F. No. 2853:** A bill for an act relating to taxation; individual income; modifying the pass-through entity tax; amending Minnesota Statutes 2022, sections 289A.08, subdivision 7a, as amended; 289A.382, subdivision 2.

Referred to the Committee on Taxes.

**Senator Jasinski introduced--**

**S.F. No. 2854:** A bill for an act relating to transportation; prohibiting expenditures for the ReConnect Rondo project.

Referred to the Committee on Transportation.

**Senators Howe and Jasinski introduced--**

**S.F. No. 2855:** A bill for an act relating to transportation; imposing a tax on electric fuel; proposing coding for new law in Minnesota Statutes, chapter 296A; repealing Minnesota Statutes 2022, section 168.013, subdivision 1m.

Referred to the Committee on Transportation.

**Senator Miller introduced--**

**S.F. No. 2856:** A bill for an act relating to taxation; authorizing a fire remediation grant to the city of Spring Grove.

Referred to the Committee on Taxes.

**Senator Miller introduced--**

**S.F. No. 2857:** A bill for an act relating to taxation; sales and use; providing a refundable exemption for building materials and capital equipment for the city of Spring Grove; appropriating money.

Referred to the Committee on Taxes.

**Senator Miller introduced--**

**S.F. No. 2858:** A bill for an act relating to higher education; funding for NextGen at the Minnesota State Colleges and Universities; appropriating money.

Referred to the Committee on Higher Education.

**Senator Miller introduced--**

**S.F. No. 2859:** A bill for an act relating to higher education; reimbursement for NextGen at the Minnesota State Colleges and Universities; appropriating money.

Referred to the Committee on Higher Education.

**Senators Hawj, Pha, Mohamed, Pappas, and Housley introduced--**

**S.F. No. 2860:** A bill for an act relating to capital investment; appropriating money for a grant to Saint Paul Urban Tennis.

Referred to the Committee on Capital Investment.

**Senator Jasinski introduced--**

**S.F. No. 2861:** A bill for an act relating to local government; authorizing transfer of funds to Steele County; amending Minnesota Statutes 2022, section 134A.17, by adding a subdivision.

Referred to the Committee on State and Local Government and Veterans.

**Senator Hoffman introduced--**

**S.F. No. 2862:** A bill for an act relating to natural resources; modifying law enforcement supervisor transition provisions of the Department of Natural Resources; amending Laws 2022, chapter 80, section 3.

Referred to the Committee on Environment, Climate, and Legacy.

**Senators Frentz, Cwodzinski, and Dziezic introduced--**

**S.F. No. 2863:** A bill for an act relating to education finance; authorizing grants for Project Success; requiring a report; appropriating money.

Referred to the Committee on Education Finance.

**Senators Marty, McEwen, and Mitchell introduced--**

**S.F. No. 2864:** A bill for an act relating to lobbying; prohibiting certain public officials from lobbying for seven years after leaving office; proposing coding for new law in Minnesota Statutes, chapter 10A.

Referred to the Committee on Elections.

**Senator Oumou Verbeten introduced--**

**S.F. No. 2865:** A bill for an act relating to workforce development; appropriating money to the Redemption Project for workforce development services for adults leaving incarceration.

Referred to the Committee on Jobs and Economic Development.

**Senator Oumou Verbeten introduced--**

**S.F. No. 2866:** A bill for an act relating to corrections; appropriating money for The Redemption Project to assist inmates to transition from incarceration to the community.

Referred to the Committee on Judiciary and Public Safety.

**Senators Hawj, Housley, Nelson, Putnam, and McEwen introduced--**

**S.F. No. 2867:** A bill for an act relating to state government; appropriating money for cultural community rescue restart grants; requiring a report.

Referred to the Committee on State and Local Government and Veterans.

**Senator Lang introduced--**

**S.F. No. 2868:** A bill for an act relating to capital investment; appropriating money for the expansion and renovation of government facilities in Meeker County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Lang introduced--**

**S.F. No. 2869:** A bill for an act relating to capital investment; appropriating money for the redevelopment of vacant GFW school district properties in the cities of Gibbon, Fairfax, and Winthrop.

Referred to the Committee on Capital Investment.

**Senators Dibble, Cwodzinski, Kunesh, and Pappas introduced--**

**S.F. No. 2870:** A bill for an act relating to arts and cultural heritage; appropriating money for the Bakken Museum.

Referred to the Committee on Environment, Climate, and Legacy.

**Senators Port, Maye Quade, Mann, McEwen, and Boldon introduced--**

**S.F. No. 2871:** A bill for an act relating to housing; establishing a first-generation homebuyers down payment assistance fund under the administration of a central community development financial institution; requiring a report; appropriating money.

Referred to the Committee on Housing and Homelessness Prevention.

**Senators Pha and Hawj introduced--**

**S.F. No. 2872:** A bill for an act relating to capital investment; appropriating money for a grant to CAPI.

Referred to the Committee on Capital Investment.

**Senators Pha, Hawj, and Xiong introduced--**

**S.F. No. 2873:** A bill for an act relating to human services; appropriating money to the Special Guerrilla Units Veterans and Families of the United States of America for health and well-being programming.

Referred to the Committee on Health and Human Services.

**Senators Hawj and Pha introduced--**

**S.F. No. 2874:** A bill for an act relating to capital investment; appropriating money for the St. Paul Changsha Friendship Garden in Phalen Regional Park in St. Paul; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Pha and Hawj introduced--**

**S.F. No. 2875:** A bill for an act relating to arts and cultural heritage; appropriating money for Changsha Friendship Garden.

Referred to the Committee on Environment, Climate, and Legacy.

**Senators Mitchell, Xiong, McEwen, and Port introduced--**

**S.F. No. 2876:** A bill for an act relating to energy; extending the solar energy production incentive program; establishing an energy storage incentive program; appropriating money; amending Minnesota Statutes 2022, section 116C.7792; proposing coding for new law in Minnesota Statutes, chapter 216C.

Referred to the Committee on Energy, Utilities, Environment, and Climate.

**Senators Cwodzinski, Mohamed, Housley, Morrison, and Abeler introduced--**

**S.F. No. 2877:** A bill for an act relating to capital investment; appropriating money for the acquisition and preservation of prairie and big woods remnants in Hennepin County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Pappas introduced--**

**S.F. No. 2878:** A bill for an act relating to capital investment; appropriating money for the Rondo Innovation Campus in the city of St. Paul.

Referred to the Committee on Capital Investment.

**Senator Port introduced--**

**S.F. No. 2879:** A bill for an act relating to human services; establishing an ombudsperson for shelter residents; modifying the Government Data Practices Act; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 13; 256K.

Referred to the Committee on Housing and Homelessness Prevention.

**Senator Port introduced--**

**S.F. No. 2880:** A bill for an act relating to human services; creating a shelter inhabitants' bill of rights; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256K.

Referred to the Committee on Housing and Homelessness Prevention.

**Senator Rarick introduced--**

**S.F. No. 2881:** A bill for an act relating to capital investment; appropriating money to line a sewer main in Moose Lake; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Carlson, Dibble, and Hawj introduced--**

**S.F. No. 2882:** A bill for an act relating to biofuel; requiring monitoring of biofuel, air emissions, wastewater, and coproducts for the presence of certain chemicals; providing for voluntary biomonitoring of biofuel plant employees; appropriating money; amending Minnesota Statutes 2022, sections 25.41, by adding a subdivision; 115.03, by adding a subdivision; 144.996, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Environment, Climate, and Legacy.

**Senator Champion introduced--**

**S.F. No. 2883:** A bill for an act relating to health; establishing the Office of Long-Term Solutions to Healthcare Disparities and Inequities to address health care needs in the state; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

**MOTIONS AND RESOLUTIONS**

Senator Farnsworth moved that the name of Senator Hauschild be added as a co-author to S.F. No. 306. The motion prevailed.

Senator Morrison moved that the name of Senator Coleman be added as a co-author to S.F. No. 506. The motion prevailed.

Senator Wesenberg moved that the name of Senator Murphy be added as a co-author to S.F. No. 867. The motion prevailed.

Senator Green moved that the name of Senator Eichorn be added as a co-author to S.F. No. 878. The motion prevailed.

Senator Gustafson moved that the name of Senator Pha be added as a co-author to S.F. No. 919. The motion prevailed.

Senator Boldon moved that the name of Senator Maye Quade be added as a co-author to S.F. No. 999. The motion prevailed.

Senator Coleman moved that her name be stricken as a co-author to S.F. No. 1018. The motion prevailed.

Senator Utke moved that the name of Senator Murphy be added as a co-author to S.F. No. 1237. The motion prevailed.

Senator Howe moved that the name of Senator Jasinski be added as a co-author to S.F. No. 1291. The motion prevailed.

Senator Abeler moved that his name be stricken as a co-author to S.F. No. 1316. The motion prevailed.

Senator Koran moved that his name be stricken as a co-author to S.F. No. 1598. The motion prevailed.

Senator Abeler moved that the name of Senator Kunesh be added as a co-author to S.F. No. 1765. The motion prevailed.

Senator Utke moved that the names of Senators Hoffman and Boldon be added as co-authors to S.F. No. 1799. The motion prevailed.

Senator Putnam moved that the names of Senators Xiong and Mohamed be added as co-authors to S.F. No. 1807. The motion prevailed.

Senator Housley moved that the name of Senator Pappas be added as a co-author to S.F. No. 1932. The motion prevailed.

Senator Dibble moved that the name of Senator Nelson be added as a co-author to S.F. No. 1959. The motion prevailed.

Senator Seeberger moved that the name of Senator Limmer be added as a co-author to S.F. No. 1989. The motion prevailed.

Senator Champion moved that the name of Senator Putnam be added as a co-author to S.F. No. 1998. The motion prevailed.



Senator Murphy moved that the name of Senator Maye Quade be added as a co-author to S.F. No. 2156. The motion prevailed.

Senator Mann moved that the name of Senator McEwen be added as a co-author to S.F. No. 2216. The motion prevailed.

Senator Xiong moved that the name of Senator Coleman be added as a co-author to S.F. No. 2249. The motion prevailed.

Senator Putnam moved that the names of Senators Xiong and Mohamed be added as co-authors to S.F. No. 2309. The motion prevailed.

Senator Hawj moved that the names of Senators Morrison and Abeler be added as co-authors to S.F. No. 2404. The motion prevailed.

Senator Jasinski moved that the name of Senator Pha be added as a co-author to S.F. No. 2424. The motion prevailed.

Senator Mohamed moved that the name of Senator Port be added as a co-author to S.F. No. 2471. The motion prevailed.

Senator Mann moved that the name of Senator Hawj be added as a co-author to S.F. No. 2546. The motion prevailed.

Senator Hawj moved that the name of Senator Hoffman be added as a co-author to S.F. No. 2570. The motion prevailed.

Senator Pappas moved that the name of Senator Pratt be added as a co-author to S.F. No. 2571. The motion prevailed.

Senator Wiklund moved that the name of Senator Westlin be added as a co-author to S.F. No. 2588. The motion prevailed.

Senator Seeberger moved that the name of Senator Howe be added as a co-author to S.F. No. 2659. The motion prevailed.

Senator Putnam moved that the name of Senator Draheim be added as a co-author to S.F. No. 2665. The motion prevailed.

Senator Duckworth moved that the name of Senator Howe be added as a co-author to S.F. No. 2694. The motion prevailed.

Senator Pappas moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Latz be added as chief author to S.F. No. 2798. The motion prevailed.

**Senator Pha introduced --**

**Senate Resolution No. 17:** A Senate resolution honoring the life of Tia Yang Chang.

Referred to the Committee on Rules and Administration.

**MEMBERS EXCUSED**

Senators Bahr, Boldon, Draheim, Eichorn, Farnsworth, Howe, Jasinski, Latz, Lieske,, Mathews, McEwen, Miller, Port, and Westrom were excused from the Session of today.

**ADJOURNMENT**

Senator Kunesh moved that the Senate do now adjourn until 11:00 a.m., Tuesday, March 14, 2023. The motion prevailed.

Thomas S. Bottern, Secretary of the Senate