

THIRTY-NINTH DAY

St. Paul, Minnesota, Wednesday, March 22, 2023

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Jeff Hansen.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators were present:

Abeler	Dziedzic	Johnson	Maye Quade	Rarick
Anderson	Eichorn	Klein	McEwen	Rasmusson
Bahr	Farnsworth	Koran	Miller	Rest
Boldon	Fatch	Kreun	Mitchell	Seeberger
Carlson	Frentz	Kunesh	Mohamed	Utke
Champion	Green	Kupec	Morrison	Weber
Coleman	Gruenhagen	Lang	Murphy	Wesenberg
Cwodzinski	Gustafson	Latz	Nelson	Westlin
Dahms	Hauschild	Lieske	Oumou Verbeten	Westrom
Dibble	Hawj	Limmer	Pappas	Wiklund
Dornink	Hoffman	Lucero	Pha	Xiong
Draheim	Housley	Mann	Port	
Drazkowski	Howe	Marty	Pratt	
Duckworth	Jasinski	Mathews	Putnam	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 21, 2023

The Honorable Bobby Joe Champion
President of the Senate

Dear Senator Champion:

As the Senate Majority Leader, I hereby make the following appointment:

Pursuant to Minnesota Statutes

299E.04: Advisory Committee on Capitol Area Security - Senator Westlin to serve at the pleasure of the appointing authority.

Sincerely,
Senator Kari Dziedzic
Senate Majority Leader

March 21, 2023

The Honorable Melissa Hortman
Speaker of the House of Representatives

The Honorable Bobby Joe Champion
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2023 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2023	Date Filed 2023
	112	17	1:58 p.m. March 20	March 20

Sincerely,
Steve Simon
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 156 and 366.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted March 20, 2023

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 156: A bill for an act relating to housing; manufactured homes; amending provisions related to utility billing practices in manufactured home parks; amending Minnesota Statutes 2022, sections 103G.291, subdivision 4; 327C.015, subdivision 17, by adding subdivisions; 327C.04, subdivisions 1, 2, by adding subdivisions; repealing Minnesota Statutes 2022, section 327C.04, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1472, now on General Orders.

H.F. No. 366: A bill for an act relating to health care; limiting the release of health records in cases related to reproductive health; prohibiting certain acts by certain health-related licensing boards; prohibiting disqualification on background study for accessing or providing reproductive health care; preventing the enforcement of certain judgments related to reproductive health; restricting the enforcement of subpoenas issued in cases related to reproductive health; creating a cause of action for penalties and court costs for lawsuits related to reproductive health; prohibiting extradition of persons charged in another state for acts committed or services received in Minnesota related to reproductive health; amending Minnesota Statutes 2022, sections 147.091, by adding a subdivision; 147A.13, by adding a subdivision; 148.261, by adding a subdivision; 245C.15, by adding a subdivision; 629.01; 629.02; 629.05; 629.06; 629.13; 629.14; proposing coding for new law in Minnesota Statutes, chapters 144; 548; 604.

Referred to the Committee on Judiciary and Public Safety.

REPORTS OF COMMITTEES

Senator Frentz moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2767, 2913, 2763, and 2888.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 43 and nays 15, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Klein	Miller	Pratt
Boldon	Duckworth	Kunesh	Mitchell	Putnam
Carlson	Dziedzic	Kupec	Mohamed	Seeberger
Champion	Fateh	Lang	Morrison	Weber
Coleman	Frentz	Limmer	Murphy	Westlin
Cwodzinski	Gustafson	Mann	Nelson	Wiklund
Dahms	Hauschild	Marty	Oumou Verbeten	Xiong
Dibble	Hoffman	Maye Quade	Pappas	
Dornink	Johnson	McEwen	Port	

Pursuant to Rule 40, Senator Boldon cast the affirmative vote on behalf of the following Senators: Dziedzic, Maye Quade, Morrison, and Seeberger.

Those who voted in the negative were:

Anderson	Eichorn	Gruenhagen	Koran	Rasmusson
Bahr	Farnsworth	Howe	Lucero	Utke
Drazkowski	Green	Jasinski	Mathews	Wesenberg

The motion prevailed.

Senator Latz from the Committee on Judiciary and Public Safety, to which was re-referred

S.F. No. 1417: A bill for an act relating to transportation; requiring a minimum crew size for certain rail carriers; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 219.

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. 682: A bill for an act relating to public safety; providing criminal penalty for substantial bodily harm caused by response for fictitious emergency; providing restitution for public agencies and victims affected by the reporting of a fictitious emergency; amending Minnesota Statutes 2022, section 609.78, subdivision 2a, by adding a subdivision.

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

Page 2, delete section 2

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete everything before "amending"

Amend the title numbers accordingly

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 referred

S.F. No. 2251: A bill for an act relating to public safety; modifying law enforcement of Mille Lacs Band of Chippewa Indians; modifying requirements for Tribes to exercise concurrent law enforcement jurisdictional authority; amending Minnesota Statutes 2022, sections 626.90, subdivision 2; 626.92, subdivisions 2, 3; 626.93, subdivisions 3, 4; repealing Minnesota Statutes 2022, section 626.93, subdivision 7.

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

Page 2, after line 16, insert:

"Sec. 2. Minnesota Statutes 2022, section 626.91, subdivision 2, is amended to read:

Subd. 2. **Law enforcement agency.** (a) The community has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) are met:

(1) the community agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the law enforcement agency powers conferred by this section to the same extent as a municipality under chapter 466, and the community further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from this liability;

(2) the community files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount;

(3) the community files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution; and

(4) the community agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.

(b) The community ~~shall~~ may enter into an agreement under section 471.59 with the Redwood County sheriff to define and regulate the provision of law enforcement services under this section and to provide for mutual aid and cooperation. If entered, the agreement must identify and describe the trust property involved in the agreement. For purposes of entering into this agreement, the community shall be considered a "governmental unit" as that term is defined in section 471.59, subdivision 1.

Sec. 3. Minnesota Statutes 2022, section 626.91, subdivision 4, is amended to read:

Subd. 4. **Peace officers.** If the community complies with the requirements set forth in subdivision 2, paragraph (a), the community is authorized to appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace officers employed by the Redwood County sheriff over the persons and the geographic areas described in subdivision 3."

Renumber the sections in sequence

Amend the title numbers accordingly

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 referred

S.F. No. 2495: A bill for an act relating to judiciary; prohibiting admission in judicial proceeding of certain custodial statements; proposing coding for new law in Minnesota Statutes, chapter 634.

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. 2597: A bill for an act relating to judiciary; amending the standard for a petition for postconviction relief based on newly discovered evidence; amending Minnesota Statutes 2022, section 590.01, subdivision 4.

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. 2734: A bill for an act relating to public safety; authorizing the expanded use of tracking devices during stolen vehicle investigations; amending Minnesota Statutes 2022, section 626A.35, by adding a subdivision.

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

Page 1, after line 21, insert:

"(e) By August 1, 2024, and each year thereafter, the chief law enforcement officer of an agency that obtains a search warrant under paragraph (b) must provide notice to the superintendent of the Bureau of Criminal Apprehension of the number of search warrants the agency obtained under this subdivision in the preceding 12 months. The superintendent must provide a summary of the data received pursuant to this paragraph in the bureau's biennial report to the legislature required under section 299C.18."

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

Senator Frentz from the Committee on Energy, Utilities, Environment, and Climate, to which was re-referred

S.F. No. 1173: A bill for an act relating to economic development; modifying the community energy transition grant program; appropriating money; amending Minnesota Statutes 2022, section 116J.55, subdivisions 1, 5, 6.

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 Dibble from the Committee on Transportation, to which was referred

S.F. No. 2591: A bill for an act relating to transportation; authorizing certain entities to use public roads for the purpose of constructing, using, operating, and maintaining high-voltage transmission lines; amending Minnesota Statutes 2022, sections 161.45, subdivision 1; 222.37, subdivision 1.

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

Page 1, line 8, before "Electric" insert "(a)"

Page 1, line 16, delete the new language

Page 1, line 17, delete "such rules shall" and insert ". (b) The rules under paragraph (a) must"

Page 1, line 18, after the second comma, insert "and that has a power purchase agreement or an agreement to transfer ownership with a Minnesota utility that directly, or through its members or agents, provides retail electric service in the state"

Page 1, line 19, after "trunk highway" insert "except as necessary to protect public safety"

Page 2, after line 2, insert:

"Sec. 2. Minnesota Statutes 2022, section 161.45, subdivision 2, is amended to read:

Subd. 2. **Relocation of utility.** Whenever the relocation of any utility facility is necessitated by the construction of a project on a trunk highway ~~routes other than those described in section 161.46, subdivision 2~~ route, the relocation work may be made a part of the state highway construction contract or let as a separate contract as provided by law if the owner or operator of the facility requests the commissioner to act as its agent for the purpose of relocating the facilities and if the commissioner determines that such action is in the best interests of the state. Payment by the utility owner or operator to the state shall be in accordance with applicable statutes and the rules for utilities on trunk highways.

Sec. 3. Minnesota Statutes 2022, section 161.46, subdivision 2, is amended to read:

Subd. 2. **Relocation of facilities; reimbursement.** (a) Whenever the commissioner shall determine the relocation of any utility facility is necessitated by the construction of a project on the routes of federally aided state trunk highways, including urban extensions thereof, which routes are included within the National System of Interstate Highways, the owner or operator of such utility facility shall relocate the same in accordance with the order of the commissioner. After the completion of such relocation the cost thereof shall be ascertained and paid by the state out of trunk highway funds; provided, however, the amount to be paid by the state for such reimbursement shall not exceed the amount on which the federal government bases its reimbursement for said interstate system.

(b) Notwithstanding paragraph (a), on or after January 1, 2024, any entity that receives a route permit under chapter 216E for a high-voltage transmission line necessary to interconnect an electric power generating facility is not eligible for relocation reimbursement unless the entity directly, or through its members or agents, provides retail electric service in this state."

Page 2, line 8, after "members" insert "or agents"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "prohibiting certain entities from receiving relocation reimbursement;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Energy, Utilities, Environment, and Climate. Amendments adopted. Report adopted.

Senator Dibble from the Committee on Transportation, to which was referred

S.F. No. 2678: A bill for an act relating to transportation; permitting the commissioner of transportation to implement noise abatement measures in unincorporated areas; amending Minnesota Statutes 2022, section 161.125, subdivision 1.

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. 2767: A bill for an act relating to transportation; prohibiting inclusion of highway spending for nonhighway purposes in governor's budget; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Delete everything after the enacting clause and insert:

"Section 1. **[161.0895] HIGHWAY PURPOSE; REPORT.**

(a) To ensure compliance with the Minnesota Constitution, article XIV, sections 2, 5, and 6, commissioners of state agencies must not include in a biennial budget any expenditures from the trunk highway fund for a nonhighway purpose as jointly determined by the commissioner of management and budget and the attorney general.

(b) For the purposes of this section, an expenditure for a nonhighway purpose is any expenditure not for construction, improvement, or maintenance of highways.

(c) At the time of submission of the biennial budget proposal to the legislature under section 16A.11, the commissioner of management and budget and the attorney general must jointly submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance. The report must examine any expenditure that is proposed to be appropriated from the trunk highway fund and explain the highway purpose of the proposed expenditure."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Marty from the Committee on Finance, 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 do pass. Report adopted.

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

S.F. No. 2265: A bill for an act relating to human services; establishing procedures for the commissioner of human services related to the transition from the public health emergency; appropriating money; amending Laws 2020, First Special Session chapter 7, section 1, subdivision 1, as amended; Laws 2021, First Special Session chapter 7, article 1, section 36.

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

Page 3, line 23, after "assistance" insert "and MinnesotaCare"

Page 3, line 30, after "recipient" insert ", and provide MinnesotaCare benefits, pending the outcome of a fair hearing decision, to any MinnesotaCare recipient,"

Page 4, lines 1, 6, and 9, after "assistance" insert "or MinnesotaCare"

Page 4, after line 19, insert:

"(h) Notwithstanding Minnesota Statutes, sections 256L.06 and 256L.15, or any other provision to the contrary, the commissioner must waive MinnesotaCare premiums for all enrollees beginning May 1, 2023, through June 30, 2024.

(i) Notwithstanding any other law to the contrary, the commissioner shall, as required by the Centers for Medicare & Medicaid Services, suspend certain procedural terminations for medical assistance enrollees."

Page 4, delete section 3 and insert:

"Sec. 3. Laws 2021, First Special Session chapter 7, article 16, section 2, subdivision 25, is amended to read:

Subd. 25. Grant Programs; Health Care Grants

	Appropriations by Fund	
General	4,811,000	4,811,000
		3,465,000
Health Care Access	5,547,000	<u>1,529,000</u>

Onetime Grants for Navigator Organizations. \$2,082,000 in fiscal year 2022 is from the health care access fund for grants to organizations with a MNsure grant services navigator assister contract in good standing as of June 30, 2021. The grants to each organization must be in proportion to the number of Medical Assistance and MinnesotaCare enrollees each organization assisted that resulted in a successful enrollment in the second quarter of fiscal

year 2020, as determined by MNSure's navigator payment process.

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

Sec. 4. **APPROPRIATION.**

Subdivision 1. Transition to standard eligibility functions for medical assistance and MinnesotaCare. (a) \$4,517,000 in fiscal year 2024 is appropriated from the general fund to the commissioner of human services for medical assistance.

(b) \$21,953,000 in fiscal year 2024 and \$1,323,000 in fiscal year 2025 are appropriated from the general fund to the commissioner of human services to administer the transition to standard medical assistance and MinnesotaCare eligibility functions after March 31, 2023. This is a onetime appropriation.

(c) \$1,827,000 in fiscal year 2024 is appropriated from the general fund to the commissioner of human services for systems costs to implement the transition to standard medical assistance and MinnesotaCare eligibility functions and the waiver of MinnesotaCare premiums.

(d) Up to \$5,329,000 in fiscal year 2024 is appropriated from the health care access fund to the commissioner of human services for the reduction in MinnesotaCare premium revenue under section 2, paragraph (h).

(e) \$36,000,000 in fiscal year 2024 is appropriated from the general fund to the commissioner of human services for allocation to counties and Tribes that process medical assistance eligibility to provide supplemental funding to assist the counties and Tribes with resuming medical assistance renewals after March 31, 2023. The commissioner must distribute the entire amount of this appropriation to the counties and Tribes in proportion to each county's or Tribe's March 2023 share of statewide enrollment in Minnesota health care programs other than MinnesotaCare.

Subd. 2. Grants to navigators. (a) \$1,936,000 in fiscal year 2024 is appropriated from the health care access fund to the commissioner of human services for grants to organizations with a MNSure grant services navigator assister contract in good standing as of the date of enactment. The grant payment to each organization must be in proportion to the number of medical assistance and MinnesotaCare enrollees each organization assisted that resulted in a successful enrollment in the second quarter of fiscal years 2020 and 2023, as determined by MNSure's navigator payment process. This is a onetime appropriation and is available until June 30, 2025.

(b) \$3,000,000 in fiscal year 2024 is appropriated from the health care access fund to the commissioner of human services for grants to organizations with a MNSure grant services navigator assister contract for successful enrollments in medical assistance and MinnesotaCare. This is a onetime appropriation."

Re-number the sections in sequence

Amend the title numbers accordingly

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 referred

S.F. No. 2913: A bill for an act relating to judiciary; requiring confidentiality of certain personal information of justices, judges, and judicial staff; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Delete everything after the enacting clause and insert:

"Section 1. [13.991] JUDICIAL OFFICIAL DATA; PERSONAL INFORMATION.

Personal information of all judicial officials collected, created, or maintained by a government entity is private data on individuals. For purposes of this section, the terms "personal information" and "judicial official" have the meanings given in section 480.40, subdivision 1.

Sec. 2. [480.40] PERSONAL INFORMATION; CONFIDENTIALITY.

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

(b) "Judicial official" includes:

(1) every Minnesota district court judge, senior judge, and every judge of the Minnesota Court of Appeals and every active, senior, recalled, or retired federal judge who resides in Minnesota;

(2) each justice of the Minnesota Supreme Court; and

(3) all employees of the Minnesota judicial branch.

(c) "Personal information" means:

(1) the home address of a judicial official;

(2) the home address of the spouse, domestic partner, or children of a judicial official;

(3) a nonjudicial branch issued telephone number or email address of a judicial official;

(4) the name of any child of a judicial official; and

(5) the name of any childcare facility or school that is attended by a child of a judicial official.

Subd. 2. **Confidentiality.** The personal information of all judicial officials maintained by a person, business, or association shall be confidential and no person, business, or association shall publicly post, display, or otherwise make available on the Internet the personal information of any judicial official. Personal information shall be kept in a secure manner to prevent unauthorized access. Personal information may be disseminated pursuant to a specific authorization in law or with the written consent of the judicial official.

Sec. 3. Minnesota Statutes 2022, section 609.5151, is amended to read:

609.5151 DISSEMINATION OF PERSONAL INFORMATION ABOUT LAW ENFORCEMENT OR THE JUDICIARY PROHIBITED; PENALTY.

Subdivision 1. **Definitions.** As used in this section:

(1) "family or household member" has the meaning given in section 518B.01, subdivision 2;

(2) "judicial official" includes:

(i) every Minnesota district court judge, senior judge, and every judge of the Minnesota Court of Appeals and every active, senior, recalled, or retired federal judge who resides in Minnesota;

(ii) each justice of the Minnesota Supreme Court; and

(iii) all employees of the Minnesota judicial branch;

(3) "law enforcement official" means both peace officers as defined in section 626.84, subdivision 1, and persons employed by a law enforcement agency; and

~~(3)~~ (4) "personal information" means a home address, directions to a home, or photographs of a home.

Subd. 2. **Crime described.** (a) It is a misdemeanor for a person to knowingly and without consent make publicly available, including but not limited to through the Internet, personal information about a law enforcement official or judicial official or an official's family or household member, if:

(1) the dissemination poses an imminent and serious threat to the official's safety or the safety of an official's family or household member; and

(2) the person making the information publicly available knows or reasonably should know of the imminent and serious threat.

(b) A person is guilty of a gross misdemeanor if the person violates paragraph (a) and a law enforcement official or judicial official or an official's family or household member suffers great bodily harm or death as a result of the violation.

(c) A person who is convicted of a second or subsequent violation of this section is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date."

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "classifying data;"

Amend the title numbers accordingly

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Champion from the Committee on Jobs and Economic Development, to which was referred

S.F. No. 1779: A bill for an act relating to employment; appropriating money for grants to programs to provide employment support services to persons with mental illness; establishing a task force to address barriers to employment; requiring a report.

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

Senator Putnam from the Committee on Agriculture, Broadband, and Rural Development, to which was referred

S.F. No. 2128: A bill for an act relating to agriculture; modifying restricted species provisions; amending Minnesota Statutes 2022, section 17.457.

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 17.457, is amended to read:

17.457 RESTRICTED SPECIES.

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

(b) "Commissioner" means the commissioner of agriculture or the commissioner's designee.

(c) "Restricted species" means Eurasian wild pigs and their hybrids (*Sus scrofa* subspecies and *Sus scrofa* hybrids), excluding domestic hogs (*S. scrofa domesticus*).

(d) "Release" means an intentional introduction or accidental escape of a species from the control of the owner or responsible party.

Subd. 2. **Importation; possession; release of restricted species.** It is unlawful for a person to import, possess, propagate, transport, or release restricted species, ~~except as provided~~ unless the person has a permit as described in subdivision 3.

Subd. 3. **Permits.** ~~(a)~~ The commissioner may issue permits for the transportation, possession, purchase, or importation of restricted species for scientific, research, educational, or commercial purposes. A permit issued under this subdivision may be revoked by the commissioner if the conditions of the permit are not met by the permittee or for any unlawful act or omission, including accidental escapes.

~~(b) The commissioner may issue permits for a person to possess and raise a restricted species for commercial purposes if the person was in possession of the restricted species on March 1, 1993. Under the permit, the number of breeding stock of the restricted species in the possession of the~~

person may not increase by more than 25 percent and the person must comply with the certification requirements in subdivision 7.

~~(e) A person may possess a restricted species without a permit for a period not to exceed two days for the purpose of slaughtering the restricted species for human consumption.~~

Subd. 4. **Notice of escape release of restricted species.** In the event of ~~an escape~~ a release of a restricted species, the owner must notify within 24 hours a conservation officer and the Board of Animal Health and is responsible for the recovery of the species. The commissioner may capture or destroy the ~~escaped~~ released animal at the owner's expense.

Subd. 5. **Enforcement.** This section may be enforced by an enforcement officer under sections 97A.205 and 97A.211 and by the commissioner under sections 17.982 to 17.984.

Subd. 6. **Penalty.** A person who violates subdivision 2, 4, or 7 is guilty of a misdemeanor.

Subd. 7. ~~**Certification and Identification requirements.** (a) A person who possesses restricted species on July 1, 1993, must submit certified numbers of restricted species in the person's possession to the Board of Animal Health by June 1, 1993.~~

~~(b) A~~ A restricted species in the possession of a person must be marked in a permanent fashion to identify ownership. The restricted species must be marked as soon as practicable after birth or purchase.

Subd. 8. **Containment.** The commissioner, in consultation with the commissioner of natural resources, shall develop criteria for approved containment measures for restricted species ~~with the assistance of producers of restricted species.~~

Subd. 9. **Bond; security.** A person who possesses restricted species must ~~file a bond or deposit~~ provide proof of insurance or file a security bond with the commissioner ~~security in the form and in the an amount determined by the commissioner to pay for the potential costs and damages that would be caused by an escape~~ the release of a restricted species.

Subd. 10. **Fee.** The commissioner ~~shall~~ may impose a fee for permits in an amount sufficient to cover the costs of issuing the permits and for facility inspections. The fee may not exceed \$50. Fee receipts must be deposited in the general fund.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 2. Minnesota Statutes 2022, section 17.710, is amended to read:

17.710 AGRICULTURAL ~~PRODUCTION~~ CONTRACTS.

(a) A production contract entered into, renewed, or amended on or after July 1, 1999, between an agricultural producer and a processor of agricultural products must not contain provisions that prohibit the producer from disclosing terms, conditions, and prices contained in the contract. Any provision prohibiting disclosure by the producer is void.

(b) A contract entered into, renewed, or amended on or after July 1, 2023, between an agricultural producer and an entity buying, selling, certifying, or otherwise participating in a market for stored

carbon must not contain provisions that prohibit the producer from disclosing terms, conditions, and prices contained in the contract. Any provision prohibiting disclosure by the producer is void.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 3. Minnesota Statutes 2022, section 17.983, subdivision 1, is amended to read:

Subdivision 1. **Administrative penalties; citation.** If a person has violated a provision of chapter 25, or 31B, ~~or 32D~~, the commissioner may issue a written citation to the person by personal service or by certified mail. The citation must describe the nature of the violation and the statute or rule alleged to have been violated; state the time for correction, if applicable; and the amount of any proposed fine. The citation must advise the person to notify the commissioner in writing within 30 days if the person wishes to appeal the citation. If the person fails to appeal the citation, the citation is the final order and not subject to further review.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 4. Minnesota Statutes 2022, section 18.78, subdivision 2, is amended to read:

Subd. 2. **Control of purple loosestrife and nonnative Phragmites.** An owner of nonfederal lands underlying public waters or wetlands designated under section 103G.201 is not required to control or eradicate purple loosestrife or nonnative Phragmites below the ordinary high water level of the public water or wetland. The commissioner of natural resources is responsible for control and eradication of purple loosestrife and nonnative Phragmites on public waters and wetlands designated under section 103G.201, except those located upon lands owned in fee title or managed by the United States. The officers, employees, agents, and contractors of the commissioner of natural resources may enter upon public waters and wetlands designated under section 103G.201 and, after providing notification to the occupant or owner of the land, may cross adjacent lands as necessary for the purpose of investigating purple loosestrife or nonnative Phragmites infestations, formulating methods of eradication, and implementing control and eradication of purple loosestrife or nonnative Phragmites. The commissioner of natural resources shall, by June 1 of each year, compile a priority list of purple loosestrife and nonnative Phragmites infestations to be controlled with herbicides in designated public waters. The commissioner of natural resources must distribute the list to county agricultural inspectors, local weed inspectors, and their appointed agents. The commissioner of natural resources shall control listed purple loosestrife and nonnative Phragmites infestations in priority order within the limits of funding allocated for that purpose. This procedure shall supersede the other provisions for control of noxious weeds set forth elsewhere in this chapter. The responsibility of the commissioner of natural resources to control and eradicate purple loosestrife and nonnative Phragmites on public waters and wetlands located on private lands and the authority to enter upon private lands ends ten days after receipt by the commissioner of a written statement from the landowner that the landowner assumes all responsibility for control and eradication of purple loosestrife and nonnative Phragmites under sections 18.78 to 18.88. State officers, employees, agents, and contractors of the commissioner of natural resources are not liable in a civil action for trespass committed in the discharge of their duties under this section and are not liable to anyone for damages, except for damages arising from gross negligence.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 5. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision to read:

Subd. 14c. **Minimum risk pesticide.** "Minimum risk pesticide" means a pesticide or class of pesticides that is exempt from the United States Environmental Protection Agency's registration requirements under section 25(b) of the federal Insecticide, Fungicide, and Rodenticide Act in Code of Federal Regulations, title 40, section 152.25(f).

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 6. **[18B.091] PESTICIDES ON MEDICAL CANNABIS.**

A person working on behalf of an approved medical cannabis manufacturer may apply minimum risk pesticide for growing medical cannabis as defined in section 152.22, subdivision 6, unless:

(1) the commissioner determines that the product label prohibits the use of minimum risk pesticide on medical cannabis;

(2) the commissioner, in consultation with the commissioner of health, determines that the continued use of minimum risk pesticide would cause unreasonable adverse effects on human health;
or

(3) the commissioner determines that the continued use of minimum risk pesticide would cause unreasonable adverse effects on the environment.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 7. Minnesota Statutes 2022, section 18D.321, subdivision 1, is amended to read:

Subdivision 1. **Notice of appeal.** (a) After service of an order, a person has ~~45~~ 20 days from receipt of the order to notify the commissioner in writing that the person intends to contest the order.

(b) If the person fails to notify the commissioner that the person intends to contest the order, the order is a final order of the commissioner and not subject to further judicial or administrative review.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 8. Minnesota Statutes 2022, section 18F.01, is amended to read:

18F.01 PURPOSE.

The purpose of sections 18F.01 to 18F.13 is to establish ~~permits~~ conditions for the release of certain genetically engineered agriculturally related organisms to protect humans and the environment from the potential for significant adverse effects of those releases.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 9. Minnesota Statutes 2022, section 18F.02, is amended by adding a subdivision to read:

Subd. 3a. **Coordinated Framework.** "Coordinated Framework" means the federal Coordinated Framework for the Regulation of Biotechnology set forth in Federal Register, volume 51, pages 23,302 to 23,350 (June 26, 1986), as amended.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 10. Minnesota Statutes 2022, section 18F.02, is amended by adding a subdivision to read:

Subd. 7a. **Regulated organism.** "Regulated organism" means a genetically engineered organism that is not exempt from federal regulations or that is not yet authorized for commercial use by the appropriate federal agency in the Coordinated Framework.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 11. Minnesota Statutes 2022, section 18F.07, is amended to read:

18F.07 GENETICALLY ENGINEERED AGRICULTURALLY RELATED ORGANISM PERMIT.

Subdivision 1. **Requirement.** A person may not conduct a release of a genetically engineered agriculturally related organism until a permit for the release has been obtained from the ~~commissioner~~ United States Department of Agriculture (USDA) or Environmental Protection Agency (EPA) unless the organism is exempt from regulation by the applicable agency under the Coordinated Framework. The commissioner may accept a USDA or EPA permit or may review a USDA or EPA permit and add additional requirements to ensure that the proposed release of a genetically engineered agriculturally related organism would not create a hazard to the agricultural, forest, or horticultural interests of this state or the state's general environmental quality. ~~Each release of a genetically engineered agriculturally related organism requires a new permit until the commissioner determines by rule that the proposed use of the agriculturally related organism is no longer subject to regulation under this chapter.~~

Subd. 2. **Permit ~~application and~~ review.** (a) ~~After reviewing a completed application, the commissioner may issue a genetically engineered agriculturally related organism permit if the commissioner determines that the applicant has adequately demonstrated that the proposed release does not have the potential for unreasonable adverse effects on the environment. If the commissioner reviews a USDA or EPA permit, the commissioner may prescribe~~ recommend terms and conditions, including, but not limited to, the period for the genetically engineered agriculturally related organism permit, the amount or number of genetically engineered agriculturally related organisms to be used, monitoring activities, department inspection schedules, reporting of experiment results, and experiment termination procedures. ~~A person may not violate terms or conditions of a permit issued under this section.~~ After a genetically engineered agriculturally related organism permit is issued, the commissioner ~~may revoke or change the permit at any time~~ must inform the permitting agency if the ~~commissioner finds that its~~ permit terms or conditions are being violated or are inadequate to avoid unreasonable adverse effects on the environment.

(b) ~~The commissioner may deny issuance of a genetically engineered agriculturally related organism permit if the commissioner determines that the use to be made of the agriculturally related organisms under the proposed terms and conditions may cause unreasonable adverse effects on the environment~~ request that the USDA or EPA not issue a permit if the commissioner determines that the release of the genetically engineered agriculturally related organism would create a hazard to the agricultural, forest, or horticultural interests of this state or the state's general environmental quality.

(c) The commissioner shall publish a notice of the proposed release at the earliest opportunity in the EQB Monitor and shall notify the chair of the county board and, if applicable, the Tribal council of any reservation where the organism will be released.

Subd. 3. **Application.** A person shall file an application for a genetically engineered agriculturally related organism permit with the ~~commissioner. The application must include:~~ appropriate federal agency in the Coordinated Framework, unless exempted as set forth in section 18F.13.

~~(1) the name and address of the applicant;~~

~~(2) any United States Environmental Protection Agency, United States Department of Agriculture, or other federal agency regulatory application or approval document, if required under federal law or rule;~~

~~(3) the purpose or objectives of the agriculturally related organism;~~

~~(4) the name, address, and telephone number of cooperators or participants in this state;~~

~~(5) the amount or number of organisms, materials, cultures, or seeds to be shipped or used in this state; and~~

~~(6) other information requested by the commissioner.~~

Subd. 4. **Application fee.** ~~An application for a permit for a genetically engineered agriculturally related organism must be accompanied by a nonrefundable application fee of \$125.~~

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 12. Minnesota Statutes 2022, section 18F.13, is amended to read:

18F.13 EXEMPTIONS.

~~(a) The commissioner may provide exemptions to the requirements to prepare an environmental assessment worksheet and obtain a permit for release of genetically engineered agriculturally related organisms for which substantial evidence, including past releases, has shown that the organism can be released without adverse effects on humans and the environment must recognize federal exemptions for the regulation of genetically engineered organisms.~~

~~(b) The commissioner may provide exemptions from the requirements to prepare an environmental assessment worksheet and obtain a permit for release of genetically engineered agriculturally related organisms for which substantial evidence, including past releases, has shown that the organism can be released under alternative oversight without adverse effects to humans and the environment must allow the commercial use of agriculturally related genetically engineered organisms, pesticides, fertilizers, soil amendments, or plant amendments that have been deregulated by any federal agency.~~

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 13. Minnesota Statutes 2022, section 18G.02, subdivision 2, is amended to read:

Subd. 2. **Biological control agent.** "Biological control agent" means a ~~parasite~~ parasitoid, predator, pathogen, or competitive organism intentionally released by humans for the purpose of biological control with the intent of causing a reduction of a host or prey population.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 14. Minnesota Statutes 2022, section 18G.02, subdivision 6, is amended to read:

Subd. 6. **Compliance agreement.** "Compliance agreement" means a written agreement between ~~a person~~ an entity and a regulatory agency to achieve compliance with regulatory requirements.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 15. Minnesota Statutes 2022, section 18G.02, is amended by adding a subdivision to read:

Subd. 12a. **Individual.** "Individual" means a single human being who is not the sole proprietor of a registered business related to plant protection or export certification.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 16. Minnesota Statutes 2022, section 18G.02, subdivision 14, is amended to read:

Subd. 14. **Infested.** "Infested" means a plant ~~has been overrun by~~ that contains an unacceptable level of plant pests, including weeds, or contains or harbors plant pests in a quantity that may threaten other plants.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 17. Minnesota Statutes 2022, section 18G.02, subdivision 15, is amended to read:

Subd. 15. **Invasive species.** "Invasive species" means an exotic ~~or nonnative~~ species whose introduction and establishment causes, or may cause, economic or environmental harm or harm to human health.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 18. Minnesota Statutes 2022, section 18G.02, subdivision 16, is amended to read:

Subd. 16. **Mark.** "Mark" means an official indicator affixed by the commissioner for purposes of identification or separation, to, on, around, or near, plants or plant material known or suspected to be infested or infected with a plant pest or that otherwise needs to be distinguished from other plants or materials. This includes, but is not limited to, paint, markers, tags, seals, stickers, tape, ribbons, signs, or placards.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 19. Minnesota Statutes 2022, section 18G.02, subdivision 20, is amended to read:

Subd. 20. **Person Entity.** "Person Entity" means an individual, a registered business such as a firm, corporation, partnership, association, trust, joint stock company, or unincorporated organization, or sole proprietorship; the state; a state agency; or a political subdivision.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 20. Minnesota Statutes 2022, section 18G.02, subdivision 22, is amended to read:

Subd. 22. **Phytosanitary certificate or export certificate.** "Phytosanitary certificate" or "export certificate" means a document authorized or prepared by a duly authorized federal or state official that affirms, declares, or verifies that an article, ~~nursery stock~~, plant, plant product, shipment, or any other officially regulated article meets applicable, legally established, plant pest regulations, including this chapter.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 21. Minnesota Statutes 2022, section 18G.02, subdivision 24, is amended to read:

Subd. 24. **Plant pest.** "Plant pest" ~~includes, but is not limited to, an invasive species or any pest of plants, agricultural commodities, horticultural products, nursery stock, or noncultivated plants by organisms such as~~ means any organism determined by the commissioner to be capable of causing harm to terrestrial plants, including but not limited to insects, snails, nematodes, fungi, viruses, bacterium, microorganisms, mycoplasma-like organisms, weeds, ~~plants~~, and parasitic plants.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 22. Minnesota Statutes 2022, section 18G.02, subdivision 30, is amended to read:

Subd. 30. **Significant damage or harm.** "Significant damage" or "harm" means a level of adverse impact that results in unacceptable economic damage, injury, or loss ~~that exceeds the cost of control~~ for a particular ~~crop~~ plant.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 23. Minnesota Statutes 2022, section 18G.03, subdivision 1, is amended to read:

Subdivision 1. **Entry and inspection.** (a) The commissioner may enter and inspect a public or private place that might harbor plant pests and may require that the owner destroy or treat plant pests, plants, or other material.

(b) If the owner fails to properly comply with a directive of the commissioner, the commissioner may have any necessary work done at the owner's expense. The commissioner shall notify the owner of the deadline for paying those expenses. If the owner does not reimburse the commissioner for an expense within a time specified by the commissioner, the expense is a charge upon the county as provided in subdivision 4.

(c) If a ~~harmful~~ plant pest infestation or infection threatens plants of an area in the state, the commissioner may take any measures necessary to eliminate or alleviate the potential significant damage or harm.

(d) The commissioner may collect fees required by this chapter.

(e) The commissioner may issue and enforce written or printed "stop-sale" orders, compliance agreements, and other directives and requests to the owner or custodian of any plants or articles infested or infected with a ~~harmful~~ plant pest.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 24. Minnesota Statutes 2022, section 18G.04, subdivision 2, is amended to read:

Subd. 2. **Control order.** In order to prevent the introduction or spread of ~~harmful or dangerous~~ plant pests, the commissioner may issue orders for necessary control measures. These orders may indicate the type of specific control to be used, the compound or material, the manner or the time of application, and who is responsible for carrying out the control order. Control orders may include directions to control or abate the plant pest to an acceptable level; eradicate the plant pest; restrict the movement of the plant pest or any material, article, appliance, plant, or means of conveyance suspected to be carrying the plant pest; or destroy plants or plant products infested or infected with a plant pest. Material suspected of being infested or infected with a plant pest may be confiscated by the commissioner.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 25. Minnesota Statutes 2022, section 18G.05, is amended to read:

18G.05 DISCOVERY OF PLANT PESTS; OFFICIAL MARKING OF INFESTED OR INFECTED ARTICLES.

Upon knowledge of the existence of a ~~dangerous or injurious~~ plant pest or ~~invasive species~~ within the state, the commissioner may conspicuously mark all plants, infested areas, materials, and articles known or suspected to be infested or infested with the plant pest or ~~invasive species~~. ~~Persons, owners, or tenants~~ An entity or individual in possession of the premises or area in which the existence of the plant pest or ~~invasive species~~ is suspected must be notified by the commissioner with prescribed control measures. ~~A person~~ An entity or individual must comply with the commissioner's control order within the prescribed time. If the commissioner determines that satisfactory control or mitigation of the pest has been achieved, the order must be released.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 26. Minnesota Statutes 2022, section 18G.06, subdivision 2, is amended to read:

Subd. 2. **Quarantine notice.** (a) The commissioner may issue orders to take prompt regulatory action in plant pest emergencies on regulated articles. If continuing quarantine action is required, a formal quarantine may be imposed. Orders may be issued to retain necessary quarantine action on a few properties if eradication treatments have been applied and continuing quarantine action is no longer necessary for the majority of the regulated area.

(b) The commissioner may place an emergency regulation or quarantine in effect without prior public notice in order to take immediate regulatory action to prevent the introduction or establishment of a plant pest.

(c) The commissioner may enter into cooperative agreements with the United States Department of Agriculture and other federal, state, city, or county agencies to assist in the enforcement of federal quarantines. The commissioner may adopt a quarantine or regulation against a plant pest or an area not covered by a federal quarantine. The commissioner may seize, destroy, or require treatment of products moved from a federally regulated area if they were not moved in accordance with the federal quarantine regulations or, if certified, they were found to be infested with the pest organism.

(d) The commissioner may impose a quarantine against a plant pest that is not quarantined in other states to prevent the spread of the plant pest within this state. The commissioner may enact a quarantine against a plant pest of regional or national significance even when no federal domestic quarantine has been adopted. These quarantines regulate intrastate movement between quarantined and nonquarantined areas of this state. The commissioner may enact a parallel state quarantine if there is a federal quarantine applied to a portion of the state.

(e) The commissioner may impose a state exterior quarantine if the plant pest is not established in this state but is established in other states. State exterior quarantines may be enacted even if no federal domestic quarantine has been adopted. The commissioner may issue control orders at destinations necessary to prevent the introduction or spread of plant pests.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 27. Minnesota Statutes 2022, section 18G.06, subdivision 5, is amended to read:

Subd. 5. **Public notification of a state quarantine or emergency regulation.** (a) For plant pest threats of imminent concern, the commissioner may declare an emergency quarantine or enact emergency orders.

(b) If circumstances permit, public notice and a public hearing must be held to solicit comments regarding the proposed state quarantine. If a plant pest threat is of imminent concern and there is insufficient time to allow full public comment on the proposed quarantine, the commissioner may impose an emergency quarantine until a state quarantine can be implemented.

(c) Upon establishment of a state quarantine, and upon institution of modifications or repeal, notices must be sent to the principal parties of interest, including federal and state authorities, and to organizations representing the public involved in the restrictive measures.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 28. Minnesota Statutes 2022, section 18G.10, subdivision 4, is amended to read:

Subd. 4. **Phytosanitary and export certificates.** An exporter of plants or plant products desiring to originate shipments from Minnesota to a foreign country requiring a phytosanitary certificate or export certificate must submit an application to the commissioner. Application for phytosanitary certificates or export certificates must be made on forms provided or approved by the commissioner or the USDA. The commissioner may conduct inspections of plants, plant products, or facilities for persons that have applied for or intend to apply for a phytosanitary certificate or export certificate from the commissioner.

The commissioner may issue a phytosanitary certificate or export certificate if the plants or plant products satisfactorily meet the requirements of the importing state or foreign country and the United States Department of Agriculture requirements. The requirements of the destination states or countries must be met by the applicant.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 29. Minnesota Statutes 2022, section 18G.10, subdivision 5, is amended to read:

Subd. 5. **Certificate fees.** (a) The commissioner shall assess fees sufficient to recover all costs for the inspection, service, and work performed in carrying out the issuance of a phytosanitary certificate or export certificate.

(b) If laboratory analysis or other technical analysis is required to issue a certificate, the commissioner must set and collect the fee to recover this additional cost.

(c) The certificate fee is \$75 or a fee amount, not to exceed \$300, that is sufficient to recover all processing costs for each phytosanitary or export certificate issued. The certificate fee is in addition to any mileage or inspection time charges that are assessed.

(d) For services provided for in subdivision 7 that are goods and services provided for the direct and primary use of a private individual, business, or other entity, the commissioner must set and collect the fees to cover the cost of the services provided.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 30. Minnesota Statutes 2022, section 18G.10, subdivision 6, is amended to read:

Subd. 6. **Certificate denial or cancellation.** The commissioner may deny or cancel the issuance of a phytosanitary or export certificate for any of the following reasons:

(1) failure of the plants or plant products to meet quarantine, regulations, and requirements imposed by the country, state, or other jurisdiction for which the phytosanitary or export certificate is being requested;

(2) failure to completely or accurately provide the information requested on the application form;

(3) failure to ship the exact plants or plant products which were inspected and approved; or

(4) failure to pay any fees or costs due the commissioner.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 31. Minnesota Statutes 2022, section 18G.11, subdivision 1, is amended to read:

Subdivision 1. **Detection and control agreements.** The commissioner may enter into cooperative agreements with organizations, ~~persons~~ entities, civic groups, governmental agencies, or other organizations to adopt and execute plans to detect and control areas infested or infected with ~~harmful~~

plant pests. The cooperative agreements may include provisions of joint funding of any control treatment.

If a ~~harmful~~ plant pest infestation or infection occurs and cannot be adequately controlled by ~~individual persons~~ individuals, entities, owners, tenants, or local units of government, the commissioner may conduct the necessary control measures independently or on a cooperative basis with federal or other units of government.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 32. Minnesota Statutes 2022, section 18G.12, subdivision 1, is amended to read:

Subdivision 1. **Plant pest and invasive species research.** The commissioner shall conduct research to prevent the introduction or spread of ~~invasive species and~~ plant pests that are also terrestrial invasive species into the state and to investigate the feasibility of their control or eradication.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 33. Minnesota Statutes 2022, section 18G.12, subdivision 2, is amended to read:

Subd. 2. **Statewide program.** The commissioner shall establish a statewide program to prevent the introduction and the spread of ~~harmful plant pest and~~ pests that are also terrestrial invasive species. To the extent possible, the program must provide coordination of efforts among governmental entities and private organizations.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 34. Minnesota Statutes 2022, section 18H.02, subdivision 2, is amended to read:

Subd. 2. **Agent.** "Agent" means ~~a person~~ an entity who, on behalf of another ~~person~~ entity, receives on consignment, contracts for, or solicits for sale on commission, a plant product from a producer or supplier of the product or negotiates the consignment or purchase of a plant product on behalf of another ~~person~~ entity.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 35. Minnesota Statutes 2022, section 18H.02, subdivision 3, is amended to read:

Subd. 3. **Annual.** "Annual" means a plant ~~growing in Minnesota~~ with a life cycle of less than one year when grown in Minnesota.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 36. Minnesota Statutes 2022, section 18H.02, subdivision 8, is amended to read:

Subd. 8. **Consignee.** "Consignee" means ~~a person~~ an entity to whom a plant, nursery stock, horticultural product, or plant product is shipped for handling, planting, sale, resale, or any other purpose.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 37. Minnesota Statutes 2022, section 18H.02, subdivision 9, is amended to read:

Subd. 9. **Consignor.** "Consignor" means ~~a person~~ an entity who ships or delivers to a consignee a plant, nursery stock, horticultural product, or plant product for handling, planting, sale, resale, or any other purpose.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 38. Minnesota Statutes 2022, section 18H.02, subdivision 12, is amended to read:

Subd. 12. **Distribute.** "Distribute" means offer for sale, sell, barter, give away, ship, deliver for shipment, receive and deliver, offer to deliver, receive on consignment, contract for, solicit for sale on commission, or negotiate the consignment or purchase in this state.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 39. Minnesota Statutes 2022, section 18H.02, subdivision 12b, is amended to read:

Subd. 12b. **Etiolated growth.** "Etiolated growth" means ~~bleached and unnatural growth resulting from the exclusion of sunlight~~ plant growth with reduced or no chlorophyll production due to a lack of sunlight. Etiolated growth is evidenced by pale, yellowish or white plants and weak, spindly stems.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 40. Minnesota Statutes 2022, section 18H.02, subdivision 12c, is amended to read:

Subd. 12c. **Individual.** "Individual" means a human being who is not the sole proprietor of a registered business selling plants for planting.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 41. Minnesota Statutes 2022, section 18H.02, subdivision 14, is amended to read:

Subd. 14. **Infested.** "Infested" means a plant ~~has been overrun by~~ that contains an unacceptable level of plant pests, including weeds, or contains or harbors plant pests in a quantity that may threaten other plants.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 42. Minnesota Statutes 2022, section 18H.02, is amended by adding a subdivision to read:

Subd. 15a. **Label.** "Label" means a legible tag or other signage attached to a specific plant or plant container that provides the identity of the plant and any other required or relevant information regarding the plant.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 43. Minnesota Statutes 2022, section 18H.02, subdivision 16, is amended to read:

Subd. 16. **Mark.** "Mark" means an official indicator affixed by the commissioner for purposes of identification or separation to, on, around, or near plants or plant material known or suspected to be infested or infected with a plant pest or to otherwise distinguish the plants or plant material from other plants or materials. This includes, but is not limited to, paint, markers, tags, seals, stickers, tape, ribbons, signs, or placards.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 44. Minnesota Statutes 2022, section 18H.02, subdivision 18, is amended to read:

Subd. 18. **Nursery certificate.** "Nursery certificate" means a document issued by the commissioner recognizing that ~~a person~~ an entity is eligible to sell, offer for sale, or distribute certified nursery stock at a particular location under a specified business name.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 45. Minnesota Statutes 2022, section 18H.02, subdivision 20, is amended to read:

Subd. 20. **Nursery stock.** "Nursery stock" means a plant intended for planting or propagation, including, but not limited to, trees, shrubs, vines, perennials, biennials, grafts, cuttings, and buds that may be sold for propagation, whether cultivated or wild, and all viable parts of these plants. Nursery stock does not include:

- (1) field and forage crops or sod;
- (2) seeds;
- (3) vegetable plants, bulbs, or tubers;
- (4) cut material such as flowers or other herbaceous or woody plants, unless stems or other portions are intended for propagation;
- (5) tropical plants;
- ~~(5)~~ (6) annuals; or
- ~~(6)~~ (7) Christmas trees.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 46. Minnesota Statutes 2022, section 18H.02, subdivision 24, is amended to read:

Subd. 24. **Owner.** "Owner" includes, but is not limited to, the ~~person~~ entity with the legal right of possession, proprietorship of, or responsibility for the property or place where any of the articles regulated in this chapter are found, or the ~~person~~ entity who is in possession of, proprietorship of, or has responsibility for the regulated articles.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 47. Minnesota Statutes 2022, section 18H.02, subdivision 24a, is amended to read:

Subd. 24a. **Packaged nursery stock.** "Packaged nursery stock" means bare root nursery stock packed with the roots in moisture-retaining material encased in plastic film or other material designed to hold the moisture-retaining material in place.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 48. Minnesota Statutes 2022, section 18H.02, subdivision 25, is amended to read:

Subd. 25. **Person Entity.** "Person" "Entity" means ~~an individual,~~ a registered business such as a firm, a corporation, a partnership, an association, a trust, a joint stock company, an unincorporated organization, or a sole proprietorship; the state; ~~;~~ a state agency; ~~;~~ or a political subdivision.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 49. Minnesota Statutes 2022, section 18H.02, subdivision 26, is amended to read:

Subd. 26. **Place of origin.** "Place of origin" means the county and state where nursery stock was most recently certified or grown for at least one ~~full~~ growing season.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 50. Minnesota Statutes 2022, section 18H.02, subdivision 28, is amended to read:

Subd. 28. **Plant pest.** "Plant pest" means ~~a biotic agent that causes or may cause harm to any organism that the commissioner determines is capable of causing harm to terrestrial plants, including but not limited to insects, snails, nematodes, fungi, viruses, bacteria, microorganisms, mycoplasma-like organisms, weeds, and parasitic plants.~~

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 51. Minnesota Statutes 2022, section 18H.02, subdivision 32, is amended to read:

Subd. 32. **Sales location.** "Sales location" means a fixed location from which certified nursery stock is ~~displayed or distributed~~ or displayed with the intent to sell.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 52. Minnesota Statutes 2022, section 18H.02, subdivision 33, is amended to read:

Subd. 33. **Tree spade.** "Tree spade" means a mechanical device or machinery capable of removing nursery stock, root system, and soil from ~~the~~ a planting in one operation.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 53. Minnesota Statutes 2022, section 18H.03, subdivision 6, is amended to read:

Subd. 6. **Dissemination of information.** The commissioner may disseminate information among growers ~~relative to~~ regarding the treatment of nursery stock ~~in both prevention and elimination of~~ to prevent or eliminate the attack by of plant pests and diseases.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 54. Minnesota Statutes 2022, section 18H.04, is amended to read:

18H.04 ADOPTION OF RULES.

The commissioner may adopt rules to carry out the purposes of this chapter. The rules may include, but are not limited to, rules in regard to labeling and the maintenance of viability and vigor of nursery stock. ~~Rules of the commissioner that are in effect on July 1, 2003, relating to plant protection, nursery inspection, or the Plant Pest Act remain in effect until they are superseded by new rules.~~

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 55. Minnesota Statutes 2022, section 18H.05, is amended to read:

18H.05 NURSERY CERTIFICATE REQUIREMENTS.

(a) No person may offer for sale or distribute certified nursery stock as a nursery stock grower or dealer without first obtaining the appropriate ~~nursery stock~~ certificate from the commissioner. The commissioner may not issue a certificate to ~~a person~~ an entity who does not sell certified nursery stock. Certificates are issued solely for these purposes and may not be used for other purposes.

(b) A certificate issued by the commissioner expires on December 31 of the year it is issued.

(c) ~~A person~~ An entity required to be certified by this section must apply for a certificate or for renewal on a form ~~furnished~~ established by the commissioner ~~which~~ that must contain:

(1) ~~the name and, address, and contact information of the applicant, the number of locations to be operated by the applicant and their addresses, and;~~

(2) the assumed business name of the applicant;

~~(2) if other than an individual, a statement whether a person is a partnership, corporation, or other organization;~~

~~(3) the type of business to be operated and, if the applicant is an agent, the principals the applicant represents; and~~

(3) the address of the sales location;

(4) the address or geographical description of any additional location where nursery stock will be handled, if applicable; and

~~(4)~~ (5) the source or sources of purchased nursery stock.

(d) No ~~person~~ entity may:

(1) falsely claim to be a certified dealer, grower, broker, or agent;

(2) make willful false statements when applying for a certificate; or

(3) sell or distribute certified nursery stock to an uncertified nursery stock dealer who is required to be certified or nursery stock grower.

(e) Each application for a certificate must be accompanied by the appropriate certificate fee under section 18H.07.

(f) Certificates issued by the commissioner ~~must~~ should be prominently displayed to the public in the place of business where certified nursery stock is sold or distributed.

(g) The commissioner may refuse to issue a certificate for cause.

(h) Each grower or dealer is entitled to one sales location under the certificate of the grower or dealer. Each additional sales location maintained by the ~~person~~ entity requires the payment of the full certificate fee ~~for each additional sales outlet~~.

(i) A grower who is also a dealer is certified only as a grower for that specific site.

(j) A certificate is personal to the applicant and may not be transferred. A new certificate is necessary if the business entity is changed or if the membership of a partnership is changed, whether or not the business name is changed.

(k) The certificate issued to a dealer or grower applies to the particular premises named in the certificate. However, if prior approval is obtained from the commissioner, the place of business may be moved to the other premises or location without an additional certificate fee.

(l) A collector of nursery stock from the wild is required to obtain a dealer's certificate from the commissioner and is subject to all the requirements that apply to the inspection of nursery stock. All collected nursery stock must be labeled as "collected from the wild."

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 56. Minnesota Statutes 2022, section 18H.06, subdivision 2, is amended to read:

Subd. 2. **Occasional sales.** (a) An individual may offer nursery stock for sale and be exempt from the requirement to obtain a nursery stock certificate if:

(1) the gross sales of all nursery stock in a calendar year do not exceed ~~\$2,000~~ \$1,000;

(2) all nursery stock sold or distributed by the individual is intended for planting in Minnesota;

(3) all nursery stock ~~purchased or procured for resale or distribution was grown in Minnesota and has been certified by the commissioner~~ sold or distributed was grown by the individual in Minnesota; and

(4) the individual conducts sales or distributions of nursery stock on ten or fewer days in a calendar year.

(b) ~~A municipality may offer certified nursery stock for sale and be exempt from the requirement to obtain a nursery stock certificate if:~~

~~(1) all nursery stock offered for sale or distributed is intended for planting by residents of the municipality on public property or public easements within the municipal boundary;~~

~~(2) all nursery stock purchased or procured for resale or distribution is grown in Minnesota and has been certified by the commissioner; and~~

~~(3) the municipality submits to the commissioner before any sale or distribution of nursery stock a list of all suppliers who provide the municipality with nursery stock.~~

~~(e)~~ (b) The commissioner may prescribe the conditions of the exempt nursery sales under this subdivision and may conduct routine inspections of the nursery stock offered for sale.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 57. Minnesota Statutes 2022, section 18H.07, is amended by adding a subdivision to read:

Subd. 3a. **Waiver of fees.** (a) A nonprofit organization or an individual may offer for sale certified nursery stock and be exempt from the requirement to pay certificate fees if the nonprofit organization or individual:

(1) sells or distributes certified nursery stock on ten or fewer days in a calendar year;

(2) uses the proceeds from certified nursery stock sales or distributions for nonprofit purposes;
and

(3) obtains a nursery stock certificate.

(b) A municipality may offer for sale certified nursery stock and be exempt from the requirement to pay certificate fees if:

(1) all nursery stock offered for sale or distributed is intended for planting by residents of the municipality on public property or public easements in the municipality;

(2) all nursery stock purchased or procured for resale or distribution is grown in Minnesota and has been certified by the commissioner; and

(3) the municipality obtains a live plant dealer certificate.

(c) The commissioner may prescribe the conditions of nursery fee waivers and may conduct routine inspections of nursery stock offered for sale.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 58. Minnesota Statutes 2022, section 18H.07, subdivision 4, is amended to read:

Subd. 4. **Reinspection; additional or optional inspection fees.** If a ~~reinspection~~ an irregular inspection is required or an additional inspection is needed or requested, a fee ~~must~~ may be assessed based on mileage and inspection time as follows:

(1) mileage must be charged at the current United States Internal Revenue Service reimbursement rate; and

(2) inspection time must be charged at a rate sufficient to recover all inspection costs, including the driving time to and from the location in addition to the time spent conducting the inspection.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 59. Minnesota Statutes 2022, section 18H.08, subdivision 1, is amended to read:

Subdivision 1. **Services and fees.** The commissioner may make small lot inspections or perform other necessary services for which another charge is not specified. For these services, the commissioner ~~shall~~ may set a fee plus expenses that will recover the cost of performing this service. The commissioner may set an additional acreage fee for inspection of seed production fields for exporters in order to meet domestic and foreign plant quarantine requirements.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 60. Minnesota Statutes 2022, section 18H.09, is amended to read:

18H.09 NURSERY STOCK CERTIFICATION REQUIREMENTS.

(a) All nursery stock growing at sites identified by nursery stock dealers or nursery stock growers and submitted for inspection must be inspected by the commissioner within the previous 12 months prior to sale and found apparently free from ~~quarantine and regulated nonquarantine pests as well as significantly dangerous or potentially damaging~~ plant pests. The commissioner may waive a site inspection under the following conditions:

(1) the nursery stock is not going to be sold within 12 months;

(2) the nursery stock will not be moved out of Minnesota; and

(3) the nursery site or stock is not subject to certification requirements associated with a state or federally regulated or quarantined plant pest.

All nursery stock originating from out of state and offered for sale in Minnesota must have been inspected by the appropriate state or federal agency during the previous 12 months and found free from ~~quarantine and regulated nonquarantine pests as well as significantly dangerous or potentially damaging~~ plant pests. A nursery stock certificate is valid from January 1 to December 31.

(b) Nursery stock must be accessible to the commissioner for inspection during regular business hours. Weeds or other growth that hinder a proper inspection are grounds to suspend or withhold a certificate or require a reinspection for which a fee may be charged.

(c) Inspection reports issued to growers must contain a list of the plant pests found at the time of inspection. Withdrawal-from-distribution or other orders are considered part of the inspection reports. A withdrawal-from-distribution or other order must contain a list of plants withdrawn from distribution and the location of the plants.

(d) The commissioner may ~~post signs to delineate~~ mark sections withdrawn from distribution or subject to other special circumstances. These signs marks must remain in place until the commissioner removes ~~them~~ the marks or grants written permission to the grower to remove the signs marks.

(e) Inspection reports issued to dealers must outline the violations involved and corrective actions to be taken including withdrawal-from-distribution orders which would specify nursery stock that could not be distributed from a certain area.

(f) Optional inspections of plants may be conducted by the commissioner upon request by any ~~persons~~ entity desiring an inspection. A fee as provided in section 18H.07 must be charged for such an inspection.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 61. Minnesota Statutes 2022, section 18H.10, is amended to read:

18H.10 STORAGE OF NURSERY STOCK.

(a) All nursery stock must be kept and displayed under conditions of temperature, light, and moisture sufficient to maintain the viability and vigor of the nursery stock.

(b) Packaged ~~dormant~~ nursery stock must be stored under conditions that retard growth, prevent etiolated growth, and protect its viability.

(c) Balled and burlapped nursery stock being held for sale ~~to the public~~ must be kept in a moisture-holding material approved by the commissioner and not toxic to plants. The moisture-holding material must adequately cover and protect the ball of earth and must be kept moist at all times. The commissioner may approve alternative nursery stock management practices to maintain the viability of balled and burlapped stock.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 62. Minnesota Statutes 2022, section 18H.12, is amended to read:

18H.12 DAMAGED, DISEASED, INFESTED, OR MISREPRESENTED STOCK.

(a) No ~~person~~ entity may knowingly offer to distribute, advertise, or display nursery stock that is infested or infected with ~~quarantine or regulated nonquarantine pests or significant dangerous or potentially damaging~~ plant pests, ~~including noxious weeds~~ or nursery stock that is in a dying condition, desiccated, frozen or damaged by freezing, or materially damaged in any way.

(b) No ~~person~~ entity may knowingly offer to distribute, advertise, or display nursery stock that may result in the capacity and tendency or effect of deceiving any purchaser or prospective purchaser as to the quantity, size, grade, kind, species name, age, variety, maturity, condition, vigor, hardiness, number of times transplanted, growth ability, growth characteristics, rate of growth, time required before flowering or fruiting, price, origin, place where grown, or any other material respect.

(c) Upon discovery or notification of damaged, diseased, infested, or misrepresented stock, the commissioner may place a ~~stop sale~~ stop sale and a withdrawal from distribution order on the material. The order makes it an illegal action to distribute, give away, destroy, alter, or tamper with the plants.

(d) The commissioner may conspicuously mark all plants, materials, and articles known or suspected to be infected or infested with ~~quarantine or regulated nonquarantine pests or significant~~

~~dangerous or potentially damaging~~ plant pests. The commissioner shall notify the persons, owners, or the tenants in possession of the premises or area in question of the existence of the plant pests.

(e) If the commissioner determines that this chapter has been violated, the commissioner may order that the nuisance, infestation, infection, or plant pest be abated by whatever means necessary, including, but not limited to, destruction, confiscation, treatment, return shipment, or quarantine.

(f) The plant owner is liable for all costs associated with a stop order or a quarantine, treatment, or destruction of plants. The commissioner is not liable for any actual or incidental costs incurred by ~~a person~~ an entity due to authorized actions of the commissioner. The commissioner must be reimbursed by the owner of plants for actual expenses incurred by the commissioner in carrying out a stop order.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 63. Minnesota Statutes 2022, section 18H.13, is amended to read:

18H.13 SHIPMENT OF NURSERY STOCK INTO MINNESOTA.

Subdivision 1. **Identification of origin.** Proof of valid nursery certification and origin of all nursery stock must accompany ~~the~~ any shipment. It is the shared responsibility of both the consignee and consignor to examine all shipments for the presence of current and applicable nursery stock certifications for all plant material from all sources of stock in each shipment.

Subd. 2. **Reciprocity.** ~~A person~~ An entity residing outside the state may distribute nursery stock in Minnesota if:

(1) the ~~person~~ entity is duly certified under the nursery laws of the state where the nursery stock originates and the laws of that state are essentially equivalent to the laws of Minnesota as determined by the commissioner; and

(2) the ~~person~~ entity complies with this chapter and the rules governing nursery stock distributed in Minnesota.

Subd. 3. **Reciprocal agreements.** The commissioner may cooperate with and enter into reciprocal agreements with other states regarding licensing and movement of nursery stock. Reciprocal agreements with other states do not prevent the commissioner from prohibiting the distribution in Minnesota of any nursery stock that fails to meet minimum criteria for nursery stock of Minnesota certified growers, dealers, or both. An official directory of certified nurseries and related nursery industry businesses from other states is acceptable in lieu of individual nursery certificates.

Subd. 4. **Foreign nursery stock.** ~~A person~~ An entity receiving a shipment of nursery stock from a foreign country that has not been inspected and released by the United States Department of Agriculture at the port of entry must notify the commissioner of the arrival of the shipment, its contents, and the name of the consignor. The ~~person~~ entity must hold the shipment unopened until inspected or released by the commissioner.

Subd. 5. **Transportation companies.** ~~A person~~ An entity who acts as the representative of a transportation company, private carrier, commercial shipper, common carrier, express parcel carrier,

or other transportation entity, and receives, ships, or otherwise distributes a carload, box, container, or any package of plants, plant materials, or nursery stock, that does not have all required certificates attached as required or fails to immediately notify the commissioner is in violation of this chapter.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 64. Minnesota Statutes 2022, section 18H.14, is amended to read:

18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.

(a) Plants, plant materials, or nursery stock must not be labeled or advertised with false or misleading information including, but not limited to, the scientific name, variety, place of origin, and hardiness zone as defined by the United States Department of Agriculture, ~~and growth habit.~~

(b) All nonhardy nursery stock as designated by the commissioner must be labeled correctly for hardiness or be labeled "nonhardy" in Minnesota.

(c) ~~A person~~ An entity may not offer for distribution plants, plant materials, or nursery stock, represented by some specific or special form of notation, including, but not limited to, "free from" or "grown free of," unless the plants are produced under a specific program approved by the commissioner to address the specific plant properties addressed in the special notation claim.

(d) Nursery stock collected from the wild state must be inspected and certified prior to sale and at the time of sale must be labeled "Collected from the Wild." The label must remain on each plant or clump of plants while it is offered for sale and during the distribution process. The collected stock may be grown in nursery rows at least two years, after which the plants may be sold without the labeling required by this paragraph.

(e) ~~A person~~ An entity selling at retail or providing to an end user may not label or advertise an annual plant, bedding plant, or other plant, plant material, or nursery stock as beneficial to pollinators if the annual plant, bedding plant, plant material, or nursery stock has:

(1) been treated with a systemic insecticide that:

(i) has a pollinator protection box on the label; or

(ii) has a pollinator, bee, or honey bee precautionary statement in the environmental hazards section of the insecticide product label; and

(2) a concentration in its flowers greater than the no observed adverse effect level of a systemic insecticide.

The commissioner shall enforce this paragraph as provided in chapter 18J.

(f) For the purposes of paragraph (e):

(1) "systemic insecticide" means an insecticide that is both absorbed by the plant and translocated through the plant's vascular system; and

(2) "no observed adverse effect level" means the level established by the United States Environmental Protection Agency for acute oral toxicity for adult honeybees.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 65. Minnesota Statutes 2022, section 18H.15, is amended to read:

18H.15 VIOLATIONS.

(a) ~~A person~~ An entity who offers to distribute nursery stock that is uncertified, uninspected, or falsely labeled or advertised possesses an illegal regulated commodity that is considered infested or infected with ~~harmful~~ plant pests and subject to regulatory action and control. If the commissioner determines that the provisions of this section have been violated, the commissioner may order the destruction of all of the plants unless the ~~person~~ entity:

(1) provides proper phytosanitary preclearance, phytosanitary certification, or nursery stock certification;

(2) agrees to have the plants, plant materials, or nursery stock returned to the consignor; and

(3) provides proper documentation, certification, or compliance to support advertising claims.

(b) The plant owner is liable for all costs associated with a withdrawal-from-distribution order or the quarantine, treatment, or destruction of plants. The commissioner is not liable for actual or incidental costs incurred by ~~a person~~ an entity due to the commissioner's actions. The commissioner must be reimbursed by the owner of the plants for the actual expenses incurred in carrying out a withdrawal-from-distribution order or the quarantine, treatment, or destruction of any plants.

(c) It is unlawful for ~~a person~~ an entity to:

(1) misrepresent, falsify, or knowingly distribute, sell, advertise, or display damaged, mislabeled, misrepresented, infested, or infected nursery stock;

(2) fail to obtain a nursery certificate as required by the commissioner;

(3) fail to renew a nursery certificate, but continue business operations;

~~(4) fail to display a nursery certificate;~~

~~(5)~~ (4) misrepresent or falsify a nursery certificate;

~~(6)~~ (5) refuse to submit to a nursery inspection;

~~(7)~~ (6) fail to provide the cooperation necessary to conduct a successful nursery inspection;

~~(8)~~ (7) offer for sale uncertified ~~plants, plant materials, or~~ nursery stock;

~~(9)~~ (8) possess an illegal regulated commodity;

~~(10)~~ (9) violate or disobey a commissioner's order;

~~(11)~~ (10) violate a quarantine issued by the commissioner;

~~(12)~~ (11) fail to obtain phytosanitary certification for plant material or nursery stock brought into Minnesota;

~~(13)~~ (12) deface, mutilate, or destroy a nursery stock certificate, phytosanitary certificate, or phytosanitary preclearance certificate, or other commissioner mark, permit, or certificate;

~~(14)~~ (13) fail to notify the commissioner of an uncertified shipment of ~~plants, plant materials,~~ or nursery stock;

~~(15)~~ (14) transport uncertified ~~plants, plant materials,~~ or nursery stock in Minnesota; or

~~(16)~~ (15) sell nursery stock to an uncertified nursery stock dealer who is required to be certified.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 66. Minnesota Statutes 2022, section 18H.18, is amended to read:

18H.18 CONSERVATION OF CERTAIN WILDFLOWERS.

Subdivision 1. **Restrictions on collecting.** No ~~person~~ entity shall distribute any species of orchids (*Orchidaceae*), any gentian (*Gentiana*), arbutus (*Epigaea repens*), lilies (*Lilium* species), coneflowers (*Echinacea* species), bloodroot (*Sanguinaria canadensis*), mayapple (*Podophyllum peltatum*), any species of trillium (*Trillium* species), or lotus (*Nelumbo lutea*), ~~which that~~ have been collected in any manner from any public or private property without the written permission of the property owner ~~and~~. Plants intended to be offered for sale must have the written authorization from the commissioner.

Subd. 2. **Collection without sale.** Wildflower collection from public or private land for the purpose of transplanting the plants to ~~a person's~~ an entity's private property and not offering for immediate sale, requires the written permission from the property owner of the land on which the wildflowers are growing.

Subd. 3. **Collection with intent to sell or distribute wildflowers.** (a) The wildflowers listed in this section may be offered for immediate sale only if the plants are to be used for scientific or herbarium purposes.

(b) The wildflowers listed in this section must not be collected and sold commercially unless the plants are:

(1) growing naturally, collected, and cultivated on the collector's property; or

(2) collected through the process described in subdivision 2 and transplanted and cultivated on the collector's property for at least one growing season before the sale.

(c) The collector must obtain a written permit from the commissioner before the plants may be offered for commercial sale.

(d) A plant sold commercially must be individually labeled with a department permit number.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 67. Minnesota Statutes 2022, section 18J.08, subdivision 1, is amended to read:

Subdivision 1. **Notice of appeal.** (a) After service of an order, a person has ~~45~~ 20 days from receipt of the order to notify the commissioner in writing that the person intends to contest the order.

(b) If the person fails to notify the commissioner that the person intends to contest the order, the order is a final order of the commissioner and not subject to further judicial or administrative review.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 68. Minnesota Statutes 2022, section 32D.02, subdivision 2, is amended to read:

Subd. 2. **Power and authority.** For the purpose of enforcing this chapter, the commissioner and the commissioner's assistants, agents, and employees have the power and authority granted under chapter 34A and sections 31.02 to 31.171.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 69. Minnesota Statutes 2022, section 32D.09, subdivision 2, is amended to read:

Subd. 2. **Permitting.** No person shall operate a dairy plant in this state unless the dairy plant, equipment, and water supply and plumbing system have been first approved by the commissioner and a permit issued to operate the same. ~~A permit may be revoked by the commissioner for due cause pursuant to section 34A.06.~~

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 70. Minnesota Statutes 2022, section 34A.04, subdivision 1, is amended to read:

Subdivision 1. **Enforcement required.** (a) The commissioner shall enforce this chapter and chapters 28, 28A, 29, 30, 31, 31A, 32D, and 34. To carry out the enforcement duties under these chapters, the commissioner may, upon presenting appropriate credentials, during regular working hours and at other reasonable times, inspect premises subject to the commissioner's enforcement and licensing authority; require information from persons with information relevant to an inspection; and inspect and copy relevant papers and records, including business records.

(b) The commissioner may administer oaths, take and cause to be taken depositions of witnesses, and issue subpoenas, and may petition the district court in the county in which the premises is located to compel compliance with subpoenas or to permit an inspection.

(c) Violations of chapters 28, 28A, 29, 30, 31, 31A, 32D, and 34, or rules adopted under chapters 28, 28A, 29, 30, 31, 31A, 32D, and 34, are a violation of this chapter.

(d) Upon the request of the commissioner, county attorneys, sheriffs, and other officers having authority in the enforcement of the general criminal laws shall take action to the extent of their authority necessary or proper for the enforcement of this chapter or standards, stipulations, and agreements of the commissioner.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 71. Minnesota Statutes 2022, section 41A.16, subdivision 7, is amended to read:

Subd. 7. **Eligibility for participants after April 1, 2023.** (a) A facility eligible for payment under this section must source from Minnesota at least 80 percent raw materials from Minnesota of the biomass used to produce an advanced biofuel. If a facility is sited 50 miles or less from the state border, ~~raw materials biomass that the facility uses to produce an advanced biofuel may be sourced from out of state when at least 80 percent of the biomass is sourced within a 100-mile radius of the facility or from Minnesota. Raw materials must be from agricultural or forestry sources or from solid waste.~~ The facility must be located in Minnesota, must begin production at a specific location after April 1, 2023, and before June 30, 2025, and must not begin operating above 23,750 MMbtu of quarterly advanced biofuel production before July 1, 2015. Eligible facilities include existing companies and facilities that are adding advanced biofuel production capacity, or retrofitting existing capacity, as well as new companies and facilities. Production of conventional corn ethanol and conventional biodiesel is not eligible. Eligible advanced biofuel facilities must produce at least ~~23,750~~ 1,500 MMbtu of advanced biofuel quarterly.

(b) No payments shall be made for advanced biofuel production that occurs after June 30, 2035, for those eligible biofuel producers under paragraph (a).

(c) An eligible producer of advanced biofuel shall not transfer the producer's eligibility for payments under this section to an advanced biofuel facility at a different location.

(d) A producer that ceases production for any reason is ineligible to receive payments under this section until the producer resumes production.

(e) Renewable chemical production for which payment has been received under section 41A.17, and biomass thermal production for which payment has been received under section 41A.18, are not eligible for payment under this section.

(f) Biobutanol is eligible under this section.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 72. Minnesota Statutes 2022, section 41A.17, subdivision 6, is amended to read:

Subd. 6. **Eligibility for participants after April 1, 2023.** (a) A facility eligible for payment under this program must source from Minnesota at least 80 percent biobased content from Minnesota. ~~For the purposes of this subdivision, "biobased content" means a chemical, polymer, monomer, or plastic that is not sold primarily for use as food, feed, or fuel and that has a biobased percentage of at least 51 percent as determined by testing representative samples using American Society for Testing and Materials specification D6866 of the biomass used to produce a renewable chemical.~~ If a facility is sited 50 miles or less from the state border, ~~biobased content must biomass that the facility uses to produce a renewable chemical may be sourced from out of state when at least 80 percent of the biomass is sourced from within a 100-mile radius of the facility or from Minnesota. Biobased content must be from agricultural or forestry sources or from solid waste.~~ The facility must be located in Minnesota, must begin production at a specific location after April 1, 2023, and before June 30, 2025, and must not begin production of ~~750,000~~ 250,000 pounds or more of chemicals

quarterly before January 1, 2015. Eligible facilities include existing companies and facilities that are adding production capacity, or retrofitting existing capacity, as well as new companies and facilities. Eligible renewable chemical facilities must produce at least ~~750,000~~ 250,000 pounds of renewable chemicals quarterly. Renewable chemicals produced through processes that are fully commercial before January 1, 2000, are not eligible.

(b) No payments shall be made for renewable chemical production that occurs after June 30, 2035, for those eligible renewable chemical producers under paragraph (a).

(c) An eligible producer of renewable chemicals shall not transfer the producer's eligibility for payments under this section to a renewable chemical facility at a different location.

(d) A producer that ceases production for any reason is ineligible to receive payments under this section until the producer resumes production.

(e) Advanced biofuel production for which payment has been received under section 41A.16, and biomass thermal production for which payment has been received under section 41A.18, are not eligible for payment under this section.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 73. Minnesota Statutes 2022, section 41A.18, subdivision 6, is amended to read:

Subd. 6. **Eligibility for participants after April 1, 2023.** (a) A facility eligible for payment under this section must source from Minnesota at least 80 percent ~~raw materials from Minnesota~~ of the biomass used for biomass thermal production. If a facility is sited 50 miles or less from the state border, ~~raw materials should~~ biomass that the facility uses for biomass thermal production may be sourced from out of state when at least 80 percent of the biomass is sourced from within a 100-mile radius of the facility or from Minnesota. ~~Raw materials~~ Biomass must be from agricultural or forestry sources. The facility must be located in Minnesota, must have begun production at a specific location after April 1, 2023, and before June 30, 2025, and must not begin before July 1, 2015. Eligible facilities include existing companies and facilities that are adding production capacity, or retrofitting existing capacity, as well as new companies and facilities. Eligible biomass thermal production facilities must produce at least 250 MMbtu of biomass thermal quarterly.

(b) No payments shall be made for biomass thermal production that occurs after June 30, 2035, for those eligible biomass thermal producers under paragraph (a).

(c) An eligible producer of biomass thermal production shall not transfer the producer's eligibility for payments under this section to a biomass thermal production facility at a different location.

(d) A producer that ceases production for any reason is ineligible to receive payments under this section until the producer resumes production.

(e) Biofuel production for which payment has been received under section 41A.16, and renewable chemical production for which payment has been received under section 41A.17, are not eligible for payment under this section.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 74. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision to read:

Subd. 5a. Direct supervision. "Direct supervision" means:

(1) when a supervising veterinarian or licensed veterinary technician is in the immediate area and within audible or visual range of an animal and the unlicensed veterinary employee treating the animal;

(2) the supervising veterinarian has met the requirements of a veterinarian-client-patient relationship under section 156.16, subdivision 12; and

(3) the supervising veterinarian assumes responsibility for the professional care given to an animal by a person working under the veterinarian's direction.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 75. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision to read:

Subd. 7a. Licensed veterinary technician. "Licensed veterinary technician" means a person licensed by the board under section 156.077.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 76. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision to read:

Subd. 10b. Remote supervision. "Remote supervision" means:

(1) a veterinarian is not on the premises but is acquainted with the keeping and care of an animal by virtue of an examination of the animal or medically appropriate and timely visits to the premises where the animal is kept;

(2) the veterinarian has given written or oral instructions to a licensed veterinary technician for ongoing care of an animal and is available by telephone or other form of immediate communication; and

(3) the employee treating the animal timely enters into the animal's medical record documentation of the treatment provided, and the documentation is reviewed by the veterinarian.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 77. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision to read:

Subd. 12. Veterinary technology. "Veterinary technology" means the science and practice of providing professional support to veterinarians, including the direct supervision of unlicensed veterinary employees. Veterinary technology does not include veterinary diagnosis, prognosis, surgery, or medication prescription.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 78. Minnesota Statutes 2022, section 156.07, is amended to read:

156.07 LICENSE RENEWAL.

Persons licensed under this chapter shall conspicuously display their license in their principal place of business.

Persons now ~~qualified to practice veterinary medicine~~ licensed in this state, or who shall hereafter be licensed by the Board of Veterinary Medicine ~~to engage in the practice~~ as veterinarians or veterinary technicians, shall periodically renew their license in a manner prescribed by the board. The board shall establish license renewal fees and continuing education requirements. The board may establish, by rule, an inactive license category, at a lower fee, for licensees not actively engaged in the practice of veterinary medicine or veterinary technology within the state of Minnesota. The board may assess a charge for delinquent payment of a renewal fee.

Any person who is licensed to practice veterinary medicine or veterinary technology in this state pursuant to this chapter, shall be entitled to receive a license to continue to practice upon making application to the board and complying with the terms of this section and rules of the board.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 79. [156.0721] INSTITUTIONAL LICENSURE.

Subdivision 1. Application and eligibility. (a) Any person who seeks to practice veterinary medicine while employed by the University of Minnesota and who is not eligible for a regular license shall make a written application to the board for an institutional license using forms provided for that purpose or in a format accepted by the board. The board shall issue an institutional license to practice veterinary medicine to an applicant who:

(1) has obtained the degree of doctor of veterinary medicine or its equivalent from a nonaccredited college of veterinary medicine. A graduate from an accredited college and an applicant who has earned ECFVG or PAVE certificates should apply for a regular license to practice veterinary medicine;

(2) has passed the Minnesota Veterinary Jurisprudence Examination;

(3) is a person of good moral character, as attested by five notarized reference letters from adults not related to the applicant, at least two of whom are licensed veterinarians in the jurisdiction where the applicant is currently practicing or familiar with the applicant's clinical abilities as evidenced in clinical rotations;

(4) has paid the license application fee;

(5) provides proof of employment by the University of Minnesota;

(6) certifies that the applicant understands and agrees that the institutional license is valid only for the practice of veterinary medicine associated with the applicant's employment as a faculty member, intern, resident, or locum of the University of Minnesota College of Veterinary Medicine or other unit of the University of Minnesota;

(7) provides proof of graduation from a veterinary college;

(8) completed a criminal background check as defined in section 214.075; and

(9) provides other information and proof as the board may require by rules and regulations.

(b) The University of Minnesota may submit the applications of its employees who seek an institutional license in a compiled format acceptable to the board, with any license application fees in a single form of payment.

(c) The fee for a license issued under this subdivision is the same as for a regular license to practice veterinary medicine in the state. License payment and renewal deadlines, late payment fees, and other license requirements are also the same as for a regular license to practice veterinary medicine.

(d) The University of Minnesota may be responsible for timely payment of renewal fees and submission of renewal forms.

Subd. 2. **Scope of practice.** (a) An institutional license holder may practice veterinary medicine only as related to the license holder's regular function at the University of Minnesota. A person holding only an institutional license in this state must be remunerated for the practice of veterinary medicine in the state solely from state, federal, or institutional funds and not from the patient-owner beneficiary of the license holder's practice efforts.

(b) A license issued under this section must be canceled by the board upon receipt of information from the University of Minnesota that the holder of the license has left or is otherwise no longer employed at the University of Minnesota in this state.

(c) An institutional license holder must abide by all laws governing the practice of veterinary medicine in the state and is subject to the same disciplinary action as any other veterinarian licensed in the state.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 80. **[156.076] DIRECT SUPERVISION; UNLICENSED VETERINARY EMPLOYEES.**

(a) An unlicensed veterinary employee may only administer medication or render auxiliary or supporting assistance under the direct supervision of a licensed veterinarian or licensed veterinary technician.

(b) This section does not prohibit:

(1) the performance of generalized nursing tasks ordered by the veterinarian and performed by an unlicensed employee on inpatient animals during the hours when a veterinarian is not on the premises; or

(2) under emergency conditions, an unlicensed employee from rendering lifesaving aid and treatment to an animal in the absence of a veterinarian if the animal is in a life-threatening condition and requires immediate treatment to sustain life or prevent further injury.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 81. [156.077] LICENSED VETERINARY TECHNICIANS.

Subdivision 1. **Licensure; practice.** (a) The board shall issue a license to practice as a veterinary technician to an applicant who satisfies the requirements in this section and those imposed by the board in rule. A licensed veterinary technician may practice veterinary technology. A person may not use the title "veterinary technician" or the abbreviation "LVT" unless licensed by the board.

(b) The board may adopt by rule additional licensure requirements or definitions for veterinary technician titles.

Subd. 2. **Applicants; qualifications.** Application for a license to practice veterinary technology in this state shall be made to the board on a form furnished by the board and accompanied by evidence satisfactory to the board that the applicant is at least 18 years of age, is of good moral character, and has met the following requirements:

(1) graduated from a veterinary technology program accredited or approved by the American Veterinary Medical Association or Canadian Veterinary Medical Association;

(2) received a passing score for the Veterinary Technician National Examination;

(3) received a passing score for the Minnesota Veterinary Technician Jurisprudence Examination;
and

(4) completed a criminal background check.

Subd. 3. **Required with application.** A completed application must contain the following information and material:

(1) the application fee set by the board, which is not refundable if permission to take the jurisprudence examination is denied for good cause;

(2) proof of graduation from a veterinary technology program accredited or approved by the American Veterinary Medical Association or Canadian Veterinary Medical Association;

(3) affidavits from at least two licensed veterinarians and three adults who are not related to the applicant that establish how long, when, and under what circumstances the references have known the applicant and any other facts that may enable the board to determine the applicant's qualifications;
and

(4) if the applicant has served in the armed forces, a copy of the applicant's discharge papers.

Subd. 4. **Temporary alternative qualifications.** (a) The board shall consider an application for licensure submitted by a person before July 1, 2030, if the person provides evidence satisfactory to the board that the person:

(1) is a certified veterinary technician in good standing with the Minnesota Veterinary Medical Association; or

(2) has at least 4,160 hours actively engaged in the practice of veterinary technology within the previous five years.

(b) Each applicant under this subdivision must also submit to the board affidavits from at least two licensed veterinarians and three adults who are not related to the applicant that establish how long, when, and under what circumstances the references have known the applicant and any other facts that may enable the board to determine the applicant's qualifications.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 82. **[156.078] NONRESIDENTS; LICENSED VETERINARY TECHNICIANS.**

A credentialed veterinary technician duly admitted to practice in any state, commonwealth, territory, or district of the United States or province of Canada that desires permission to practice veterinary technology in this state shall submit an application to the board on a form furnished by the board. The board shall review an application for transfer if the applicant submits:

(1) a copy of a diploma from an accredited or approved college of veterinary technology or certification from the dean, registrar, or secretary of an accredited or approved college of veterinary technology or a certificate of satisfactory completion of the PAVE program;

(2) if requesting waiver of examination, evidence of meeting licensure requirements in the state of the applicant's original licensure;

(3) affidavits of two licensed practicing doctors of veterinary medicine or veterinary technicians residing in the United States or Canadian licensing jurisdiction in which the applicant is or was most recently practicing, attesting that they are well acquainted with the applicant, that the applicant is a person of good moral character, and that the applicant has been actively engaged in practicing or teaching in such jurisdiction;

(4) a certificate from the agency that regulates the conduct of practice of veterinary technology in the jurisdiction in which the applicant is or was most recently practicing, stating that the applicant is in good standing and is not the subject of disciplinary action or pending disciplinary action;

(5) a certificate from all other jurisdictions in which the applicant holds a currently active license or held a license within the past ten years, stating that the applicant is and was in good standing and has not been subject to disciplinary action;

(6) in lieu of the certificates in clauses (4) and (5), certification from the Veterinary Information Verification Agency that the applicant's licensure is in good standing;

(7) a fee as set by the board in form of check or money order payable to the board, no part of which shall be refunded should the application be denied;

(8) score reports on previously taken national examinations in veterinary technology, certified by the Veterinary Information Verification Agency or evidence of employment as a veterinary technician for at least three years;

(9) proof that the applicant received a passing score for the Minnesota Veterinary Technician Jurisprudence Examination; and

(10) proof of a completed criminal background check.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 83. Minnesota Statutes 2022, section 156.12, subdivision 2, is amended to read:

Subd. 2. **Authorized activities.** No provision of this chapter shall be construed to prohibit:

(a) a person from rendering necessary gratuitous assistance in the treatment of any animal when the assistance does not amount to prescribing, testing for, or diagnosing, operating, or vaccinating and when the attendance of a licensed veterinarian cannot be procured;

(b) a person who is a regular student in an accredited or approved college of veterinary medicine from performing duties or actions assigned by instructors or preceptors or working under the direct supervision of a licensed veterinarian;

(c) a veterinarian regularly licensed in another jurisdiction from consulting with a licensed veterinarian in this state;

(d) the owner of an animal and the owner's regular employee from caring for and administering to the animal belonging to the owner, except where the ownership of the animal was transferred for purposes of circumventing this chapter;

(e) veterinarians who are in compliance with ~~subdivision 6~~ section 156.0721 and who are employed by the University of Minnesota from performing their duties with the College of Veterinary Medicine; College of Agriculture; Veterinary Diagnostic Laboratory; Agricultural Experiment Station; Agricultural Extension Service; Medical School; School of Public Health; School of Nursing; or other unit within the university; or a person from lecturing or giving instructions or demonstrations at the university or in connection with a continuing education course or seminar to veterinarians ~~or pathologists at the University of Minnesota Veterinary Diagnostic Laboratory;~~

(f) any person from selling or applying any pesticide, insecticide or herbicide;

(g) any person from engaging in bona fide scientific research or investigations which reasonably requires experimentation involving animals;

(h) any employee of a licensed veterinarian from performing duties other than diagnosis, prescription or surgical correction under the direction and supervision of the veterinarian, who shall be responsible for the performance of the employee;

(i) a graduate of a foreign college of veterinary medicine from working under the direct personal instruction, control, or supervision of a veterinarian faculty member of the College of Veterinary Medicine, University of Minnesota in order to complete the requirements necessary to obtain an ECFVG or PAVE certificate;

(j) a licensed chiropractor registered under section 148.01, subdivision 1a, from practicing animal chiropractic; or

(k) a person certified by the Emergency Medical Services Regulatory Board under chapter 144E from providing emergency medical care to a police dog wounded in the line of duty.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 84. Minnesota Statutes 2022, section 156.12, subdivision 4, is amended to read:

Subd. 4. **Titles.** It is unlawful for a person who has not received a professional degree from an accredited or approved college of veterinary medicine, ~~or~~ ECFVG or PAVE certification, or an institutional license under section 156.0721 to use any of the following titles or designations: Veterinary, veterinarian, animal doctor, animal surgeon, animal dentist, animal chiropractor, animal acupuncturist, or any other title, designation, word, letter, abbreviation, sign, card, or device tending to indicate that the person is qualified to practice veterinary medicine.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 85. **REPEALER.**

(a) Minnesota Statutes 2022, section 156.12, subdivision 6, is repealed.

(b) Minnesota Statutes 2022, sections 32D.24; 32D.25; 32D.26; 32D.27; and 32D.28, are repealed.

(c) Minnesota Statutes 2022, sections 17.984; and 32D.03, subdivision 5, are repealed.

(d) Minnesota Statutes 2022, sections 18G.02, subdivisions 12, 17, 21, 25, and 29; 18H.02, subdivisions 10, 12a, 29, 31, 32a, and 34; and 18H.06, subdivision 1, are repealed.

(e) Minnesota Statutes 2022, sections 18F.02, subdivisions 2 and 9; and 18F.12, are repealed."

Delete the title and insert:

"A bill for an act relating to agriculture; adding nonnative Phragmites to noxious weeds provisions; modifying restricted species provisions; prohibiting certain provisions in carbon storage contracts; eliminating the prohibition on below-cost sales of dairy; modifying genetically engineered organisms provisions; modifying nursery and plant protection provisions; modifying provisions regulating the dairy industry; regulating veterinary technicians, the practice of veterinary technology, and unlicensed veterinary employees; amending veterinary medicine licensing for University of Minnesota employees; modifying advanced biofuel production incentive and renewable chemical production incentive provisions; changing the appeal period to 20 days after service of an order from the Pesticide and Fertilizer Management Division or Plant Protection Division of the Department of Agriculture; defining minimum risk pesticide; allowing the use of minimum risk pesticide for growing medical cannabis; amending Minnesota Statutes 2022, sections 17.457; 17.710; 17.983, subdivision 1; 18.78, subdivision 2; 18B.01, by adding a subdivision; 18D.321, subdivision 1; 18F.01; 18F.02, by adding subdivisions; 18F.07; 18F.13; 18G.02, subdivisions 2, 6, 14, 15, 16, 20, 22, 24, 30, by adding a subdivision; 18G.03, subdivision 1; 18G.04, subdivision 2; 18G.05; 18G.06, subdivisions 2, 5; 18G.10, subdivisions 4, 5, 6; 18G.11, subdivision 1; 18G.12, subdivisions 1, 2; 18H.02, subdivisions 2, 3, 8, 9, 12, 12b, 12c, 14, 16, 18, 20, 24, 24a, 25, 26, 28, 32, 33, by adding a subdivision; 18H.03, subdivision 6; 18H.04; 18H.05; 18H.06, subdivision 2; 18H.07, subdivision 4, by adding a subdivision; 18H.08, subdivision 1; 18H.09; 18H.10; 18H.12; 18H.13; 18H.14; 18H.15; 18H.18; 18J.08, subdivision 1; 32D.02, subdivision 2; 32D.09, subdivision 2; 34A.04, subdivision 1; 41A.16, subdivision 7; 41A.17, subdivision 6; 41A.18, subdivision 6; 156.001, by adding subdivisions; 156.07; 156.12, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapters 18B; 156; repealing Minnesota Statutes 2022, sections 17.984; 18F.02, subdivisions

2, 9; 18F.12; 18G.02, subdivisions 12, 17, 21, 25, 29; 18H.02, subdivisions 10, 12a, 29, 31, 32a, 34; 18H.06, subdivision 1; 32D.03, subdivision 5; 32D.24; 32D.25; 32D.26; 32D.27; 32D.28; 156.12, subdivision 6."

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

Senator Putnam from the Committee on Agriculture, Broadband, and Rural Development, to which was re-referred

S.F. No. 2513: A bill for an act relating to energy; appropriating money to support investment in green fertilizer production using renewable energy.

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

Page 1, line 19, after "using" insert a colon

Page 1, delete line 20 and insert:

"(i) grid-based electrolyzers that have matched their electricity consumption with wind or solar; or

(ii) electrolyzers connected directly to a wind or solar facility; and"

Page 2, line 1, delete the semicolon and insert a period

Page 2, delete lines 2 to 4

Page 2, after line 8, insert:

"(f) By December 15 each year, the commissioner must report to the chairs and ranking minority members of the legislative committees with jurisdiction over agriculture to provide an update on the progress of projects funded by this appropriation. Each report must include how much of this appropriation has been used, including the amount used for administration. The commissioner may include additional information of interest or relevance to the legislature. This paragraph expires December 31, 2031.

"(g) By December 15, 2032, the commissioner must complete a final report to the chairs and ranking minority members of the legislative committees with jurisdiction over agriculture regarding the uses and impacts of this appropriation. The final report must include a list of the grants awarded, the amount of the appropriation used for administration, the amount of green fertilizer produced, and a summary of the economic and environmental impacts of this production compared to the production and purchase of conventionally produced fertilizer. The commissioner may include additional information of interest or relevance to the legislature. This paragraph expires December 31, 2032."

Amend the title accordingly

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

Senator Putnam from the Committee on Agriculture, Broadband, and Rural Development, to which was referred

S.F. No. 2315: A bill for an act relating to agriculture; adding nonnative Phragmites to noxious weeds provisions; amending Minnesota Statutes 2022, section 18.78, subdivision 2.

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

Senator Putnam from the Committee on Agriculture, Broadband, and Rural Development, to which was referred

S.F. No. 2763: A bill for an act relating to agriculture; appropriating money for grants to Minnesota dairy farmers; repealing Minnesota Statutes 2022, section 41A.12, subdivision 4.

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

Page 1, line 7, delete "\$....." and insert "\$20,000,000"

Page 1, line 16, delete the second comma

Page 1, line 17, delete everything before the period

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Dibble from the Committee on Transportation, to which was referred

S.F. No. 723: A bill for an act relating to state government; appropriating money in the data security account; amending Minnesota Statutes 2022, section 3.9741, subdivision 5.

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

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

H.F. No. 745 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
745	1596				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 975 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
975	1448				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1440 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1440	1367				

and that the above Senate File be indefinitely postponed.

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

Senator Latz from the Committee on Judiciary and Public Safety, to which was re-referred

S.F. No. 73: A bill for an act relating to cannabis; establishing the Office of Cannabis Management; establishing the Cannabis Advisory Council; requiring reports relating to cannabis use and sales; legalizing and limiting the possession and use of cannabis by adults; providing for the licensing, inspection, and regulation of cannabis businesses and hemp businesses; requiring testing of cannabis flower, cannabis products, and hemp products; requiring labeling of cannabis flower, cannabis products, and hemp products; limiting the advertisement of cannabis flower, cannabis products, hemp products, hemp businesses products, and cannabis businesses; providing for the cultivation of cannabis in private residences; transferring regulatory authority for the medical cannabis program; allowing Tribal medical cannabis program manufacturers to distribute medical cannabis to Tribal medical cannabis program patients; providing for transportation of medical cannabis by Tribal medical cannabis manufacturers; taxing the sale of adult-use cannabis; establishing grant and loan programs; amending criminal penalties; prohibiting the use or possession of cannabis flower and cannabis products on a street or highway; establishing expungement procedures for certain individuals; establishing labor standards for the use of cannabis and hemp products by employees and testing of employees; providing for the temporary regulation of certain edible cannabinoid products; providing for professional licensing protections; amending the scheduling of marijuana and tetrahydrocannabinols; classifying data; making miscellaneous cannabis-related and

hemp-related changes and additions; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2022, sections 13.411, by adding a subdivision; 13.871, by adding a subdivision; 16B.2975, subdivision 8; 34A.01, subdivision 4; 144.99, subdivision 1; 151.72; 152.01, by adding subdivisions; 152.02, subdivisions 2, 4; 152.021, subdivision 2; 152.022, subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.024, subdivision 1; 152.025, subdivisions 1, 2; 152.22, by adding subdivisions; 152.29, subdivision 4, by adding a subdivision; 152.30; 152.32; 152.33, subdivision 1; 175.45, subdivision 1; 181.938, subdivision 2; 181.950, subdivisions 2, 4, 5, 8, 13, by adding a subdivision; 181.951, subdivision 4, by adding subdivisions; 181.952, by adding a subdivision; 181.953; 181.954; 181.955; 181.957, subdivision 1; 244.05, subdivision 2; 245C.08, subdivision 1; 256.01, subdivision 18c; 256B.0625, subdivision 13d; 256D.024, subdivisions 1, 3; 256J.26, subdivisions 1, 3; 273.13, subdivision 24; 275.025, subdivision 2; 290.0132, subdivision 29; 290.0134, subdivision 19; 297A.61, subdivision 3; 297A.67, subdivisions 2, 7; 297A.70, subdivisions 2, 18; 297A.99, by adding a subdivision; 297D.01; 297D.04; 297D.06; 297D.07; 297D.08; 297D.085; 297D.09, subdivision 1a; 297D.10; 297D.11; 340A.412, subdivision 14; 609.135, subdivision 1; 609.5311, subdivision 1; 609.5314, subdivision 1; 609.5316, subdivision 2; 609A.01; 609A.03, subdivisions 5, 9; 609B.425, subdivision 2; 609B.435, subdivision 2; 624.712, by adding subdivisions; 624.713, subdivision 1; 624.714, subdivision 6; 624.7142, subdivision 1; 624.7151; proposing coding for new law in Minnesota Statutes, chapters 3; 116J; 116L; 120B; 144; 152; 169A; 289A; 295; 340A; 609A; 624; proposing coding for new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes 2022, sections 151.72; 152.027, subdivisions 3, 4; 152.21; 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8, 9, 10, 11, 12, 13, 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, 4; 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, 7; 152.28, subdivisions 1, 2, 3; 152.29, subdivisions 1, 2, 3, 3a, 4; 152.30; 152.31; 152.32, subdivisions 1, 2, 3; 152.33, subdivisions 1, 1a, 2, 3, 4, 5, 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2, 3, 4, 5; 152.37; Minnesota Rules, parts 4770.0100; 4770.0200; 4770.0300; 4770.0400; 4770.0500; 4770.0600; 4770.0800; 4770.0900; 4770.1000; 4770.1100; 4770.1200; 4770.1300; 4770.1400; 4770.1460; 4770.1500; 4770.1600; 4770.1700; 4770.1800; 4770.1900; 4770.2000; 4770.2100; 4770.2200; 4770.2300; 4770.2400; 4770.2700; 4770.2800; 4770.4000; 4770.4002; 4770.4003; 4770.4004; 4770.4005; 4770.4007; 4770.4008; 4770.4009; 4770.4010; 4770.4012; 4770.4013; 4770.4014; 4770.4015; 4770.4016; 4770.4017; 4770.4018; 4770.4030.

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

Page 18, line 22, delete "license applicant" and insert "prospective employee"

Page 18, line 23, delete "license applicant's" and insert "prospective employee's"

Page 18, line 24, delete "applicant's" and insert "prospective employee's"

Page 18, line 26, delete "applicant" and insert "prospective employee"

Page 28, delete lines 25 and 26 and insert:

"(3) possess two pounds or less of adult-use cannabis flower derived from sources other than the home cultivation of cannabis plants authorized in subdivision 2 in the individual's private residence;

"(4) possess five pounds or less of adult-use cannabis flower derived from the home cultivation of cannabis plants authorized in subdivision 2 in the individual's private residence;"

Page 28, line 27, delete "(4)" and insert "(5)"

Page 28, line 28, delete "(5)" and insert "(6)"

Page 28, line 30, delete "(6)" and insert "(7)"

Page 29, line 5, delete "(7)" and insert "(8)"

Page 29, after line 12, insert:

"Notwithstanding clauses (3) and (4), no individual may possess a total of more than five pounds of adult-use cannabis in the individual's private residence regardless of the cannabis's source."

Page 31, line 8, delete "or cannabis products"

Page 35, line 6, after "hemp" insert "edible"

Page 40, line 25, delete "license applicant" and insert "person" and delete "a license applicant's" and insert "the person's"

Page 40, line 26, delete "applicant's" and insert "person's"

Page 40, line 28, delete "applicant" and insert "person"

Page 46, delete subdivision 6

Page 48, after line 22, insert:

"Sec. 20. [342.185] DATA PRACTICES; APPLICANTS; LICENSE HOLDERS.

Subdivision 1. Not public data. The following data collected, created, or maintained by the office are classified as nonpublic data, as defined by section 13.02, subdivision 9, or as private data on individuals, as defined by section 13.02, subdivision 12:

(1) application data submitted by an applicant for a cannabis business license, other than the data listed in subdivision 2;

(2) the identity of a complainant who has made a report concerning a license holder or applicant that appears in inactive complaint data unless the complainant consents to the disclosure;

(3) the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action;

(4) the record of any disciplinary proceeding except as limited by subdivision 4;

(5) data identifying retail or wholesale customers of a cannabis business; and

(6) data identifying cannabis workers.

Subd. 2. Public data on license applicants. (a) The following application data submitted by an applicant for a cannabis business license are public data:

- (1) the applicant's name and designated address;
 - (2) data disclosing the ownership and control of the applicant;
 - (3) proof of trade name registration;
 - (4) data showing the legal possession of the premises where the business will operate;
 - (5) data describing whether volatile chemicals will be used in any methods of extraction or concentration;
 - (6) environmental plans;
 - (7) the type and number of other cannabis business licenses held by the applicant; and
 - (8) the name, address, location, dates, and hours of where any proposed cannabis event will take place.
- (b) Scoring and other data generated by the office in its review of an applicant for a cannabis business license are public data.

Subd. 3. Public application data on license holders. Once an applicant for a cannabis business license becomes a license holder, all of the application data that the license holder had previously submitted to the office are public data except that the following data remain classified as nonpublic data or private data on individuals:

- (1) data identifying retail or wholesale customers of a cannabis business;
- (2) data identifying cannabis workers;
- (3) tax returns, bank account statements, and other financial account information;
- (4) business plans; and
- (5) security information and trade secret information, as defined by section 13.37.

Subd. 4. Public disciplinary data. Minutes, orders for hearings, findings of fact, conclusions of law, and specification of the final disciplinary action contained in the record of the disciplinary action are classified as public data. If there is a public hearing concerning the disciplinary action, the entire record concerning the disciplinary action is public data. If the license holder and the office agree to resolve a complaint without a hearing, the agreement and the specific reasons for the agreement are public data.

Subd. 5. Data practices administration. (a) The office must establish written procedures to ensure that only individuals authorized by law may enter, update, or access data maintained by the office and classified as nonpublic or private data on individuals. An authorized individual's ability to enter, update, or access not public data must correspond to the official duties or training level of the individual and to the statutory authorization granting access for that purpose. All queries and responses, and all actions in which not public data are entered, updated, accessed, shared, or

disseminated, must be recorded in a data audit trail. Data contained in the audit trail have the same classification as the underlying data tracked by the audit trail.

(b) The office must not share data classified as nonpublic or private data on individuals under this section or other data identifying an individual applicant or license holder with any federal agency, federal department, or federal entity unless specifically ordered to do so by a state or federal court.

(c) The office must arrange for an independent audit to verify compliance with this section. The audit must be completed annually for the first two years following establishment of the office and biennially thereafter. The results of the audit are public. No later than 30 days following completion of the audit, the office must provide a report summarizing the audit results to the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over commerce and data practices, and the Legislative Commission on Data Practices and Personal Data Privacy. The report must be submitted as required under section 3.195, except that printed copies are not required."

Page 48, line 31, delete "license applicant" and insert "person" and delete "a license applicant's" and insert "the person's"

Page 48, line 32, delete "applicant's" and insert "person's"

Page 49, line 1, delete "applicant" and insert "person"

Page 78, line 19, after "lower-potency" insert "hemp"

Page 98, delete subdivision 3

Page 123, after line 2, insert:

"Subd. 8. Sanctions restricted for those on parole, supervised release, or conditional release.

(a) This subdivision applies to an individual placed on parole, supervised release, or conditional release.

(b) The commissioner of corrections may not:

(1) prohibit an individual from participating in the registry program as a condition of release;
or

(2) revoke an individual's parole, supervised release, or conditional release or otherwise sanction an individual solely:

(i) for participating in the registry program; or

(ii) for a positive drug test for cannabis components or metabolites."

Page 144, after line 14, insert:

"Sec. 74. [342.73] NUISANCE; ACTION.

Subdivision 1. **Nuisance.** Any use of adult-use cannabis flower which is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is a nuisance.

Subd. 2. **Actions; landlord; association.** (a) A person who is injuriously affected or whose personal enjoyment is lessened by a nuisance under subdivision 1 may bring an action for injunctive relief and the greater of the person's actual damages or a civil penalty of \$250.

(b) If a landlord, as defined in section 504B.001, subdivision 7, or an association, as defined in section 515B.1-103, clause (4), fails to enforce the terms of a lease, governing document, or policy related to the use of adult-use cannabis flower on the premises or property, a person who is injuriously affected or whose personal enjoyment is lessened by a nuisance under subdivision 1 as a result of the failure to enforce the terms may bring an action against the landlord or association seeking injunctive relief and the greater of the person's actual damages or a civil penalty of \$500.

EFFECTIVE DATE. This section is effective July 1, 2023, and applies to causes of actions accruing on or after that date."

Page 146, line 20, delete "cannabinoid" and insert "cannabis"

Page 146, line 21, delete "lower potency edible" and insert "lower-potency hemp"

Page 146, line 22, delete "product" and insert "edible"

Page 148, line 11, delete "cannabinoid" and insert "cannabis"

Page 149, lines 11 and 20, delete "lower potency edible product" and insert "lower-potency hemp edible"

Page 149, line 21, delete "lower"

Page 149, line 22, delete "potency edible product" and insert "lower-potency hemp edible"

Page 149, lines 29 and 32, delete "cannabinoid" and insert "cannabis"

Page 149, lines 30 and 33, delete "lower potency edible products" and insert "lower-potency hemp edibles"

Page 150, line 1, delete "lower potency edible product" and insert "lower-potency hemp edible"

Page 150, line 13, delete "cannabinoid" and insert "cannabis" and delete "lower potency edible products" and insert "lower-potency hemp edibles"

Page 150, line 14, delete "cannabinoid" and insert "cannabis"

Page 150, line 15, delete "lower potency edible products" and insert "lower-potency hemp edibles"

Page 156, line 9, delete "cannabinoid" and insert "cannabis"

Page 156, line 10, delete "lower potency edible products" and insert "lower-potency hemp edibles"

Page 156, line 14, delete "lower potency edible product" and insert "lower-potency hemp edible"

Page 158, line 1, delete "cannabinoid" and insert "cannabis"

Page 158, line 2, delete "lower potency edible products" and insert "lower-potency hemp edibles"

Page 159, line 26, delete "cannabinoid" and insert "cannabis"

Page 159, line 28, delete "lower potency edible product" and insert "lower-potency hemp edible"

Page 161, line 2, delete "cannabinoid" and insert "cannabis"

Page 161, line 3, delete "lower potency edible"

Page 161, line 4, delete "products" and insert "lower-potency hemp edibles"

Page 162, line 15, delete "cannabinoid" and insert "cannabis"

Page 162, line 16, delete "lower potency edible products" and insert "lower-potency hemp edibles"

Page 163, line 7, delete "cannabinoid" and insert "cannabis"

Page 178, line 15, delete "cannabinoid" and insert "cannabis"

Page 179, line 11, delete "cannabinoid" and insert "cannabis"

Page 180, line 20, delete "cannabinoid" and insert "cannabis"

Page 181, delete lines 8 and 9 and insert:

"(2) more than two pounds but not more than ten kilograms of cannabis flower derived from sources other than the home cultivation of cannabis plants authorized in section 342.09, subdivision 2, in the person's residence;

(3) more than five pounds but not more than ten kilograms of cannabis flower, regardless of the cannabis' source, in the person's residence;"

Page 181, line 10, delete "(3)" and insert "(4)"

Page 181, line 11, delete "(4)" and insert "(5)" and delete "cannabinoid" and insert "cannabis"

Page 181, lines 20, and 29, delete "cannabinoid" and insert "cannabis"

Page 182, lines 6, 10, 18, and 22, delete "cannabinoid" and insert "cannabis"

Page 183, lines 1, 7, 13, 18, and 25, delete "cannabinoid" and insert "cannabis"

Page 184, lines 1 and 6, delete "cannabinoid" and insert "cannabis"

Page 185, lines 3, 12, and 15, delete "cannabinoid" and insert "cannabis"

Page 186, delete section 19

Page 188, line 2, delete "cannabinoid" and insert "cannabis"

Page 189, line 25, delete "cannabinoid" and insert "cannabis"

Page 191, after line 11, insert:

"Section 1. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A court may defer prosecution as provided in paragraph (c) for any person found guilty, after trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d), for possession of a controlled substance, who:

(1) has not previously participated in or completed a diversion program authorized under section 401.065;

(2) has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section; and

(3) has not been convicted of a felony violation of this chapter, including a felony-level attempt or conspiracy, or been convicted by the United States or another state of a similar offense that would have been a felony under this chapter if committed in Minnesota, unless ten years have elapsed since discharge from sentence.

(b) The court must defer prosecution as provided in paragraph (c) for any person found guilty of a violation of section 152.025, subdivision 2, who:

(1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

(2) has not previously been convicted of a felony offense under any state or federal law or of a gross misdemeanor under section 152.025.

(c) In granting relief under this section, the court shall, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against the person and discharge the person from probation before the expiration of the maximum period prescribed for the person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a

not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon receiving notice that the proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting or citing law enforcement agency and direct that agency to seal the agency's records related to the dismissed charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau which shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

For purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision 8a."

Page 191, line 22, delete "August 1, 2023" and insert "January 1, 2025"

Page 193, line 4, delete "August 1, 2023" and insert "January 1, 2025"

Page 193, line 13, delete "August 1, 2023" and insert "January 1, 2025"

Page 193, line 17, delete "an order of"

Page 193, line 24, delete "prior to a determination of probable cause" and insert "after a case was filed, unless the dismissal was based on a finding that the defendant was incompetent to proceed"

Page 194, line 5, after "identify" insert "bureau" and delete "an order of"

Page 194, line 8, delete "an individual whose record" and insert "each person whose case"

Page 194, line 10, delete "case" and insert "court file" and delete "record" and insert "case"

Page 194, delete lines 11 to 33

Page 195, delete lines 1 to 7

Page 195, delete subdivision 3 and insert:

"Subd. 3. **Expungement relief; notification requirements.** (a) The Bureau of Criminal Apprehension shall grant expungement relief to each qualifying person and seal the bureau's records without requiring an application, petition, or motion. The bureau shall seal records related to an expungement within 60 days after the bureau sent notice of the expungement to the judicial branch pursuant to subdivision 2, paragraph (b), unless an order of the judicial branch prohibits sealing the records or additional information establishes that the records are not eligible for expungement.

(b) Nonpublic criminal records maintained by the bureau and subject to a grant of expungement relief must display a notation stating "expungement relief granted pursuant to section 609A.05."

(c) The bureau shall inform the judicial branch of all cases that are granted expungement relief pursuant to this section. The bureau may notify the judicial branch using electronic means and may notify the judicial branch immediately or in a monthly report. Upon receiving notice of an expungement, the judicial branch shall seal all related records, including records of the person's arrest, indictment, trial, verdict, and dismissal or discharge of the case. Upon receiving notice of an expungement, the judicial branch shall issue any order necessary to seal related records.

(d) The bureau shall inform each arresting or citing law enforcement agency or prosecutorial office with records affected by the grant of expungement relief issued pursuant to paragraph (a) that expungement has been granted. The bureau shall notify each agency or office of an expungement within 60 days after the bureau sent notice of the expungement to the judicial branch. The bureau may notify each agency or office using electronic means. Upon receiving notification of an expungement, an agency or office shall seal all records related to the expungement, including the records of the person's arrest, indictment, trial, verdict, and dismissal or discharge of the case. Notice must also clearly state that persons who are noncitizens may need copies of these records for immigration purposes, explain how they can obtain these copies after expungement or other granted relief, and state that a noncitizen should consult with an immigration attorney.

(e) Data on a person whose offense has been expunged under this subdivision, including any notice sent pursuant to paragraph (d) are private data on individuals as defined in section 13.02, subdivision 12.

(f) In any subsequent prosecution of a person with a prior expunged criminal record, a prosecutor may include the person's expunged criminal record in a complaint or other charging document if permitted by applicable law and the rules of criminal procedure.

(g) The subject whose record qualifies for expungement shall be given access to copies of the records of arrest, conviction, or incarceration, including but not limited for immigration purposes.

(h) Relief granted under this subdivision shall not impact the ability of a petitioner to file for relief under section 590.01."

Page 195, line 30, delete "August 1, 2023" and insert "January 1, 2025"

Page 196, line 19, delete "cannabinoid" and insert "cannabis"

Page 197, line 19, delete "case" and insert "court file"

Page 200, delete lines 4 and 5

Page 200, line 6, delete "(6)" and insert "(5)"

Page 200, line 8, delete "(7)" and insert "(6)"

Page 201, delete lines 20 to 22

Page 201, line 23, delete "August 1, 2023" and insert "January 1, 2025"

Page 201, after line 23, insert:

"Sec. 7. [609A.07] RESTORATION OF FIREARMS RIGHTS.

Any person who is prohibited from possessing a firearm or ammunition based on a prior adjudication or conviction for a cannabis-related offense who receives an expungement or other relief under section 609A.05 or 609A.06 shall have their right to possess firearms and ammunition restored if the person is otherwise eligible to possess the item."

Page 206, after line 26, insert:

"Sec. 7. Minnesota Statutes 2022, section 97B.065, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) A person may not take wild animals with a firearm or by archery:

(1) when the person is under the influence of alcohol;

(2) when the person is under the influence of a controlled substance, as defined in section ~~152.01~~ 169A.03, subdivision 4 6;

(3) when the person is under the influence of a combination of any two or more of the elements in clauses (1) and (2);

(4) when the person's alcohol concentration is 0.08 or more;

(5) when the person's alcohol concentration as measured within two hours of the time of taking is 0.08 or more; or

(6) when the person is under the influence of an intoxicating substance as defined in section 169A.03, subdivision 11a, and the person knows or has reason to know that the substance has the capacity to cause impairment.

(b) An owner or other person having charge or control of a firearm or bow may not authorize or permit an individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance, as provided under paragraph (a), to possess the firearm or bow in this state or on a boundary water of this state.

(c) A person may not possess a loaded or uncased firearm or an uncased bow afield under any of the conditions in paragraph (a).

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2022, section 97B.066, is amended by adding a subdivision to read:

Subd. 12. **Definition.** As used in this section, "controlled substance" has the meaning given in section 169A.03, subdivision 6.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date."

Page 208, lines 11, 14, 16, 26, 29, 30, and 32, delete "cannabinoid" and insert "cannabis"

Page 209, lines 5, 13, 15, 16, 22, 25, 26, 33, and 34, delete "cannabinoid" and insert "cannabis"

Page 209, line 28, delete "cannabinoid" and insert "cannabis" and delete "cannabinoid" and insert "cannabis"

Page 216, after line 24, insert:

"Sec. 23. Minnesota Statutes 2022, section 169A.03, subdivision 6, is amended to read:

Subd. 6. **Controlled substance.** "Controlled substance" has the meaning given in section 152.01, subdivision 4. The term also includes hemp as defined in section 152.22, subdivision 5a.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date."

Page 217, lines 9, 10, 14, and 25, delete "cannabinoid" and insert "cannabis"

Page 218, line 8, delete "cannabinoid" and insert "cannabis"

Page 220, line 13, delete "cannabinoid" and insert "cannabis"

Page 224, lines 20 and 23, delete "cannabinoid" and insert "cannabis"

Page 227, after line 4, insert:

"Sec. 40. Minnesota Statutes 2022, section 192A.555, is amended to read:

192A.555 DRIVING WHILE UNDER THE INFLUENCE OR RECKLESS DRIVING.

Any person subject to this code who drives, operates or is in physical control of any motor vehicle or aircraft while under the influence of an alcoholic beverage or controlled substance as defined in section 169A.03, subdivision 6, or a combination thereof or whose blood contains 0.08 percent or more by weight of alcohol or who operates said motor vehicle or aircraft in a reckless or wanton manner, shall be punished as a court-martial may direct.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date."

Page 233, line 20, delete "lower"

Page 233, line 21, delete "potency edible product" and insert "lower-potency hemp edible"

Page 233, lines 27 and 28, delete "lower potency edible product" and insert "lower-potency hemp edible"

Page 234, line 24, delete "lower potency edible products" and insert "lower-potency hemp edibles"

Page 234, after line 29, insert:

"Sec. 50. Minnesota Statutes 2022, section 609.2111, is amended to read:

609.2111 DEFINITIONS.

(a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision have the meanings given them.

(b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes attached trailers.

(c) "Controlled substance" has the meaning given in section ~~152.01~~ 169A.03, subdivision 4 6.

(d) "Intoxicating substance" has the meaning given in section 169A.03, subdivision 11a.

(e) "Qualified prior driving offense" includes a prior conviction:

(1) for a violation of section 169A.20 under the circumstances described in section 169A.24 or 169A.25;

(2) under section 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114, subdivision 1, paragraph (a), clauses (2) to (6); or 2, clauses (2) to (6);

(3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or

(4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4, clauses (2) to (6).

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date."

Page 236, line 7, delete "cannabinoid" and insert "cannabis"

Page 238, line 32, delete "cannabinoid" and insert "cannabis"

Page 241, line 17, delete "cannabinoid" and insert "cannabis"

Page 241, line 22, strike "152.01" and insert "169A.03" and strike "4" and insert "6"

Page 242, after line 2, insert:

"Sec. 63. Minnesota Statutes 2022, section 624.7143, is amended by adding a subdivision to read:

Subd. 6. Definition. As used in this section, "controlled substance" has the meaning given in section 169A.03, subdivision 6.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date."

Page 242, lines 23 and 29, delete "cannabinoid" and insert "cannabis"

Page 243, line 9, delete "cannabinoid" and insert "cannabis"

Page 277, lines 21, 23, 30, and 32, delete "cannabinoid" and insert "cannabis"

Renumber the subdivisions and sections in sequence

Amend the title numbers accordingly

And when so amended the bill be re-referred to the Committee on Rules and Administration without recommendation. Amendments adopted. Report adopted.

Senator Klein from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2382: A bill for an act relating to commerce; establishing a Mental Health Parity and Substance Abuse Accountability Office in the Department of Commerce; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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 62K.10, subdivision 2, is amended to read:

Subd. 2. **Primary care; mental health services; general hospital services.** The maximum travel distance or time shall be the lesser of 30 miles or 30 minutes to the nearest provider of each of the following services: primary care services, mental health and substance disorder services, and general hospital services, provided that a health carrier only meets this standard if the nearest provider has the availability to see an enrollee, new or existing, within days.

Sec. 2. Minnesota Statutes 2022, section 62K.10, subdivision 4, is amended to read:

Subd. 4. **Network adequacy.** (a) Each designated provider network must include a sufficient number and type of providers, including providers that specialize in mental health and substance use disorder services, to ensure that covered services are available to all enrollees without unreasonable delay. In determining network adequacy, the commissioner of health shall consider availability of services, including the following:

(1) primary care physician services are available and accessible 24 hours per day, seven days per week, within the network area;

(2) a sufficient number of primary care physicians have hospital admitting privileges at one or more participating hospitals within the network area so that necessary admissions are made on a timely basis consistent with generally accepted practice parameters;

(3) specialty physician service is available through the network or contract arrangement;

(4) mental health and substance use disorder treatment providers are available and accessible through the network or contract arrangement;

(5) to the extent that primary care services are provided through primary care providers other than physicians, and to the extent permitted under applicable scope of practice in state law for a given provider, these services shall be available and accessible; and

(6) the network has available, either directly or through arrangements, appropriate and sufficient personnel, physical resources, and equipment to meet the projected needs of enrollees for covered health care services.

(b) In determining whether a designated provider network described in paragraph (a) includes a sufficient number and type of providers that specialize in mental health and substance use disorder treatment to ensure that covered services are available to all enrollees without unreasonable delay, and in determining whether such providers are available and accessible through the network or contract arrangement, the commissioner shall request, and a health carrier must submit, on an annual basis comparative data regarding access to mental health and substance use disorder care and access to medical and surgical care, which shall include information, reported separately for adults versus children and adolescents, on the ability of enrollees to:

(1) access initial appointments with physicians specializing in the treatment of mental health conditions or substance use disorders;

(2) access follow-up appointments with physicians specializing in the treatment of mental health conditions or substance use disorders;

(3) access initial appointments with physicians specializing in the treatment of medical or surgical conditions;

(4) access follow-up appointments with physicians specializing in the treatment of medical or surgical conditions;

(5) access initial appointments with mental health and licensed alcohol and drug counselors with prescriptive authority specializing in the treatment of mental health conditions or substance use disorders;

(6) access follow-up appointments with mental health practitioners and licensed alcohol and drug counselors with prescriptive authority specializing in the treatment of mental health conditions or substance use disorders;

(7) access initial appointments with mental health practitioners and licensed alcohol and drug counselors with prescriptive authority specializing in the treatment of medical or surgical conditions;

(8) access follow-up appointments with mental health practitioners and licensed alcohol and drug counselors with prescriptive authority specializing in the treatment of medical or surgical conditions;

(9) access initial appointments with mental health practitioners and licensed alcohol and drug counselors specializing in the treatment of mental health conditions or substance use disorders;

(10) access follow-up appointments with mental health practitioners and licensed alcohol and drug counselors specializing in the treatment of mental health conditions or substance use disorders;

(11) access initial appointments with mental health practitioners and licensed alcohol and drug counselors specializing in the treatment of medical or surgical conditions; and

(12) access follow-up appointments with mental health practitioners and licensed alcohol and drug counselors specializing in the treatment of medical or surgical conditions.

The commissioner shall prescribe the method of and format for health carriers to submit the data required in clauses (1) to (12).

(c) The commissioner shall calculate the average number of days an enrollee must wait before accessing the respective provider and appointment types identified in paragraph (b), clauses (1) to (12), and a health carrier shall provide the commissioner with any requested data or information needed for the commissioner to perform such calculations. The commissioner, in collaboration with each health carrier, shall use reasonable assumptions related to statistics and research methods to identify representative samples for analysis to complete the calculations described in this paragraph and other such methods as the commissioner determines appropriate.

(d) The average number of days calculated in paragraph (c), based on the provider and appointment types identified in paragraph (b), shall be compared as follows:

(1) the average day wait result identified for paragraph (b), clause (3), shall be divided by the average day wait result identified for paragraph (b), clause (1);

(2) the average day wait result identified for paragraph (b), clause (4), shall be divided by the average day wait result identified for paragraph (b), clause (2) ;

(3) the average day wait result identified for paragraph (b), clause (7), shall be divided by the average day wait result identified for paragraph (b), clause (5);

(4) the average day wait result identified for paragraph (b), clause (8), shall be divided by the average day wait result identified for paragraph (b), clause (6);

(5) the average day wait result identified for paragraph (b), clause (11), shall be divided by the average day wait result identified for paragraph (b), clause (9); and

(6) the average day wait result identified for paragraph (b), clause (12), shall be divided by the average day wait result identified for paragraph (b), clause (10).

(e) The ratios established under paragraph (d) for 2023 shall establish a baseline for potential improvement for a health carrier in subsequent years. For years subsequent to 2023, a health carrier shall:

(1) not be required to take any action to improve any ratio that is 1.0 or higher;

(2) improve any ratio that is lower than 0.9 but higher than 0.6 so that in the succeeding year the ratio is at least 0.9;

(3) improve any ratio that is lower than 0.6 but higher than 0.3 so that in the immediate succeeding year the ratio is at least 0.6 and in the next subsequent year the ratio is at least 0.9; and

(4) improve any ratio that is lower than 0.3 so that in the immediate succeeding year the ratio is at least 0.3 and in the next subsequent year the ratio is at least 0.6 and in the next following year the ratio is at least 0.9.

Sec. 3. Minnesota Statutes 2022, section 62K.10, subdivision 8, is amended to read:

Subd. 8. **Enforcement.** (a) The commissioner of health shall enforce this section.

(b) With respect to subdivision 4, paragraph (e), the commissioner may impose a civil penalty not to exceed \$10,000 per violation for each day the violation continues."

Page 2, line 2, delete "is" and insert "and \$500,000 in fiscal year 2025 are"

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 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. 1663: A bill for an act relating to commerce; modifying certain reporting dates; amending Minnesota Statutes 2022, sections 216B.096, subdivision 11; 237.55.

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 Klein from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 120: A bill for an act relating to insurance; limiting co-payments for prescription drugs and related medical supplies prescribed to treat a chronic disease; amending Minnesota Statutes 2022, sections 256B.0631, subdivision 1; 256L.03, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Senator Klein from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 1486: A bill for an act relating to insurance; health; prohibiting preexisting condition limitations in Medicare supplement insurance policies; amending Minnesota Statutes 2022, sections 62A.31, subdivisions 1f, 1h, 1p, 1u, 4, 8; 62A.43, subdivision 1; 62A.44, subdivision 2; repealing Minnesota Statutes 2022, section 62A.31, subdivisions 1b, 1i.

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

Page 16, line 10, delete "January 1, 2024" and insert "August 1, 2023"

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

Senator Wiklund from the Committee on Health and Human Services, to which was referred

S.F. No. 2888: A bill for an act relating to health occupations; modifying Minnesota prescription monitoring program reporting requirements and immunity from liability; expanding access to the Minnesota prescription monitoring program to allow for pharmacists or dispensing practitioners to correct errors in the program; appropriating funds to continue funding for the Minnesota prescription monitoring program; amending Minnesota Statutes 2022, section 152.126, subdivisions 4, 5, 6, 9.

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Wiklund from the Committee on Health and Human Services, to which was referred

S.F. No. 1862: A bill for an act relating to human services; allowing supervised practice of alcohol and drug counseling by former students for limited time; modifying HIV training requirements in substance use disorder treatment programs; modifying withdrawal management license requirements; modifying substance use disorder treatment client record documentation requirements; amending Minnesota Statutes 2022, sections 148F.11, by adding a subdivision; 245A.19; 245F.04, subdivision 1; 245G.06, subdivision 2b.

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

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 2022, section 148F.01, is amended by adding a subdivision to read:

Subd. 14a. **Former student.** "Former student" means an individual who has completed the educational requirements under section 148F.025, subdivision 2, or 148F.035, paragraph (a)."

Page 1, line 16, delete the comma and insert "or"

Page 1, line 17, delete "or a treatment director." and after the period, insert "The former student's practice is limited to the site where the student completed their internship or practicum. A former student must be paid for work performed during the 90-day period."

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Wiklund from the Committee on Health and Human Services, to which was referred

S.F. No. 2485: A bill for an act relating to health; requiring commercial health plan coverage of certain treatment at psychiatric residential treatment facilities; amending Minnesota Statutes 2022, sections 62A.152, subdivision 3; 62D.124, subdivision 1; 62K.10, subdivision 4; 62Q.47.

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 62A.152, subdivision 3, is amended to read:

Subd. 3. **Provider discrimination prohibited.** All group policies and group subscriber contracts that provide benefits for mental or nervous disorder treatments in a hospital must provide direct reimbursement for those services at a hospital or psychiatric residential treatment facility if performed by a mental health professional qualified according to section 245I.04, subdivision 2, to the extent that the services and treatment are within the scope of mental health professional licensure.

This subdivision is intended to provide payment of benefits for mental or nervous disorder treatments performed by a licensed mental health professional in a hospital or psychiatric residential treatment facility and is not intended to change or add benefits for those services provided in policies or contracts to which this subdivision applies.

Sec. 2. Minnesota Statutes 2022, section 62K.10, subdivision 4, is amended to read:

Subd. 4. **Network adequacy.** Each designated provider network must include a sufficient number and type of providers, including providers that specialize in mental health and substance use disorder services, to ensure that covered services are available to all enrollees without unreasonable delay. In determining network adequacy, the commissioner of health shall consider availability of services, including the following:

(1) primary care physician services are available and accessible 24 hours per day, seven days per week, within the network area;

(2) a sufficient number of primary care physicians have hospital admitting privileges at one or more participating hospitals within the network area so that necessary admissions are made on a timely basis consistent with generally accepted practice parameters;

(3) specialty physician service is available through the network or contract arrangement;

(4) mental health and substance use disorder treatment providers, including but not limited to psychiatric residential treatment facilities, are available and accessible through the network or contract arrangement;

(5) to the extent that primary care services are provided through primary care providers other than physicians, and to the extent permitted under applicable scope of practice in state law for a given provider, these services shall be available and accessible; and

(6) the network has available, either directly or through arrangements, appropriate and sufficient personnel, physical resources, and equipment to meet the projected needs of enrollees for covered health care services.

Sec. 3. Minnesota Statutes 2022, section 62Q.19, subdivision 1, is amended to read:

Subdivision 1. **Designation.** (a) The commissioner shall designate essential community providers. The criteria for essential community provider designation shall be the following:

(1) a demonstrated ability to integrate applicable supportive and stabilizing services with medical care for uninsured persons and high-risk and special needs populations, underserved, and other special needs populations; and

(2) a commitment to serve low-income and underserved populations by meeting the following requirements:

(i) has nonprofit status in accordance with chapter 317A;

(ii) has tax-exempt status in accordance with the Internal Revenue Service Code, section 501(c)(3);

(iii) charges for services on a sliding fee schedule based on current poverty income guidelines; and

(iv) does not restrict access or services because of a client's financial limitation;

(3) status as a local government unit as defined in section 62D.02, subdivision 11, a hospital district created or reorganized under sections 447.31 to 447.37, an Indian tribal government, an Indian health service unit, or a community health board as defined in chapter 145A;

(4) a former state hospital that specializes in the treatment of cerebral palsy, spina bifida, epilepsy, closed head injuries, specialized orthopedic problems, and other disabling conditions;

(5) a sole community hospital. For these rural hospitals, the essential community provider designation applies to all health services provided, including both inpatient and outpatient services. For purposes of this section, "sole community hospital" means a rural hospital that:

(i) is eligible to be classified as a sole community hospital according to Code of Federal Regulations, title 42, section 412.92, or is located in a community with a population of less than 5,000 and located more than 25 miles from a like hospital currently providing acute short-term services;

(ii) has experienced net operating income losses in two of the previous three most recent consecutive hospital fiscal years for which audited financial information is available; and

(iii) consists of 40 or fewer licensed beds;

(6) a birth center licensed under section 144.615; ~~or~~

(7) a hospital and affiliated specialty clinics that predominantly serve patients who are under 21 years of age and meet the following criteria:

(i) provide intensive specialty pediatric services that are routinely provided in fewer than five hospitals in the state; and

(ii) serve children from at least one-half of the counties in the state; or

(8) a psychiatric residential treatment facility as defined in section 256B.0625, subdivision 45a, paragraph (b), that is certified and licensed by the commissioner of health.

(b) Prior to designation, the commissioner shall publish the names of all applicants in the State Register. The public shall have 30 days from the date of publication to submit written comments to the commissioner on the application. No designation shall be made by the commissioner until the 30-day period has expired.

(c) The commissioner may designate an eligible provider as an essential community provider for all the services offered by that provider or for specific services designated by the commissioner.

(d) For the purpose of this subdivision, supportive and stabilizing services include at a minimum, transportation, child care, cultural, and linguistic services where appropriate.

Sec. 4. Minnesota Statutes 2022, section 62Q.47, is amended to read:

62Q.47 ALCOHOLISM, MENTAL HEALTH, AND CHEMICAL DEPENDENCY SERVICES.

(a) All health plans, as defined in section 62Q.01, that provide coverage for alcoholism, mental health, or chemical dependency services, must comply with the requirements of this section.

(b) Cost-sharing requirements and benefit or service limitations for outpatient mental health and outpatient chemical dependency and alcoholism services, except for persons placed in chemical dependency services under Minnesota Rules, parts 9530.6600 to 9530.6655, must not place a greater financial burden on the insured or enrollee, or be more restrictive than those requirements and limitations for outpatient medical services.

(c) Cost-sharing requirements and benefit or service limitations for inpatient hospital mental health services, psychiatric residential treatment facility services, and inpatient hospital and residential chemical dependency and alcoholism services, except for persons placed in chemical dependency services under Minnesota Rules, parts 9530.6600 to 9530.6655, must not place a greater financial burden on the insured or enrollee, or be more restrictive than those requirements and limitations for inpatient hospital medical services.

(d) A health plan company must not impose an NQTL with respect to mental health and substance use disorders in any classification of benefits unless, under the terms of the health plan as written and in operation, any processes, strategies, evidentiary standards, or other factors used in applying the NQTL to mental health and substance use disorders in the classification are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying the NQTL with respect to medical and surgical benefits in the same classification.

(e) All health plans must meet the requirements of the federal Mental Health Parity Act of 1996, Public Law 104-204; Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; the Affordable Care Act; and any amendments to, and federal guidance or regulations issued under, those acts.

(f) The commissioner may require information from health plan companies to confirm that mental health parity is being implemented by the health plan company. Information required may include comparisons between mental health and substance use disorder treatment and other medical conditions, including a comparison of prior authorization requirements, drug formulary design, claim denials, rehabilitation services, and other information the commissioner deems appropriate.

(g) Regardless of the health care provider's professional license, if the service provided is consistent with the provider's scope of practice and the health plan company's credentialing and contracting provisions, mental health therapy visits and medication maintenance visits shall be considered primary care visits for the purpose of applying any enrollee cost-sharing requirements imposed under the enrollee's health plan.

(h) By June 1 of each year, beginning June 1, 2021, the commissioner of commerce, in consultation with the commissioner of health, shall submit a report on compliance and oversight to the chairs and ranking minority members of the legislative committees with jurisdiction over health and commerce. The report must:

(1) describe the commissioner's process for reviewing health plan company compliance with United States Code, title 42, section 18031(j), any federal regulations or guidance relating to compliance and oversight, and compliance with this section and section 62Q.53;

(2) identify any enforcement actions taken by either commissioner during the preceding 12-month period regarding compliance with parity for mental health and substance use disorders benefits under state and federal law, summarizing the results of any market conduct examinations. The summary must include: (i) the number of formal enforcement actions taken; (ii) the benefit classifications examined in each enforcement action; and (iii) the subject matter of each enforcement action, including quantitative and nonquantitative treatment limitations;

(3) detail any corrective action taken by either commissioner to ensure health plan company compliance with this section, section 62Q.53, and United States Code, title 42, section 18031(j); and

(4) describe the information provided by either commissioner to the public about alcoholism, mental health, or chemical dependency parity protections under state and federal law.

The report must be written in nontechnical, readily understandable language and must be made available to the public by, among other means as the commissioners find appropriate, posting the report on department websites. Individually identifiable information must be excluded from the report, consistent with state and federal privacy protections."

Amend the title accordingly

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

Senator Port from the Committee on Housing and Homelessness Prevention, to which was referred

S.F. No. 1370: A bill for an act relating to housing; expanding eligible uses for housing infrastructure bonds; amending Minnesota Statutes 2022, section 462A.37, subdivision 2.

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

Senator Murphy from the Committee on State and Local Government and Veterans, to which was referred

S.F. No. 2225: A bill for an act relating to state government; making changes to data practices; establishing the Office of Collaboration and Dispute Resolution; establishing the Office of Enterprise Sustainability; removing an expired report on state government use of eligible contractors; modifying provisions for historic properties and fair campaign practices; amending Minnesota Statutes 2022, sections 13.04, subdivision 4; 16B.58, by adding a subdivision; 16C.36; 138.081, subdivision 3; 138.665, subdivision 2; 211B.20, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 2022, sections 179.90; 179.91.

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.

SECOND READING OF SENATE BILLS

S.F. Nos. 1417, 682, 2251, 2495, 2597, 2734, 2678, 10, 2265, 2128, 2315, 1486, 1862, and 1370 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 745, 975, and 1440 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator McEwen introduced--

S.F. No. 3029: A bill for an act relating to agriculture; establishing a headwaters community food and water economic resiliency program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Senator Frentz introduced--

S.F. No. 3030: A bill for an act relating to energy; establishing a grant program to develop distributed energy projects; requiring a report; appropriating money.

Referred to the Committee on Energy, Utilities, Environment, and Climate.

Senator McEwen introduced--

S.F. No. 3031: A bill for an act relating to capital investment; appropriating money for accessible housing units owned by Accessible Space, Inc., in the city of Duluth.

Referred to the Committee on Capital Investment.

Senator Utke introduced--

S.F. No. 3032: A bill for an act relating to education; providing for student welfare and parental awareness in education; proposing coding for new law in Minnesota Statutes, chapter 121A.

Referred to the Committee on Education Policy.

Senator Westrom introduced--

S.F. No. 3033: A bill for an act relating to public safety; clarifying the altering of a flag; clarifying use of the Stars and Stripes flag design; amending Minnesota Statutes 2022, section 609.40, subdivisions 1, 3.

Referred to the Committee on Judiciary and Public Safety.

Senator Rasmusson introduced--

S.F. No. 3034: A bill for an act relating to energy; exempting electricity generated outside the state from the requirement that a certain proportion of retail electricity be carbon-free by certain dates; amending Laws 2023, chapter 7, section 10.

Referred to the Committee on Energy, Utilities, Environment, and Climate.

Senator Champion introduced--

S.F. No. 3035: A bill for an act relating to state government; establishing a biennial budget for Department of Employment and Economic Development, Public Utilities Commission, and Explore Minnesota; modifying various provisions governing economic development, unemployment insurance, and Explore Minnesota; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 116J.5492, subdivisions 8, 10; 116J.8748, subdivisions 3, 4, 6, by adding a subdivision; 116J.8749, subdivisions 1, 3, 5, 10; 116L.361, subdivision 7; 116L.362, subdivision 1; 116L.364, subdivision 3; 116L.56, subdivision 2; 116L.561, subdivision 5; 116L.562, subdivision 2; 116U.05; 116U.10; 116U.15; 116U.20; 116U.25; 116U.30; 116U.35; 126C.43, subdivision 2; 127A.45, subdivision 12; 268.085, subdivisions 7, 8; proposing coding for new law in Minnesota Statutes, chapters 116J; 116L; 116U; 124D.

Referred to the Committee on Jobs and Economic Development.

Senator Champion introduced--

S.F. No. 3036: A bill for an act relating to economic development; requiring the commissioner of employment and economic development to study student loan forgiveness programs; requiring a report; appropriating money.

Referred to the Committee on Jobs and Economic Development.

Senator Bahr introduced--

S.F. No. 3037: A bill for an act relating to taxation; sales and use; providing an exemption for construction materials for a new water treatment plant in the city of Ramsey; amending Minnesota Statutes 2022, section 297A.71, subdivision 52.

Referred to the Committee on Taxes.

Senators Pha, Xiong, and Hawj introduced--

S.F. No. 3038: A bill for an act relating to capital investment; appropriating money for the Hmong Minnesota Community Center.

Referred to the Committee on Capital Investment.

Senator Xiong introduced--

S.F. No. 3039: A bill for an act relating to taxation; imposing a gross receipts tax on certain digital products; appropriating money for payments to local governments; proposing coding for new law in Minnesota Statutes, chapter 295.

Referred to the Committee on Taxes.

Senator Kupec introduced--

S.F. No. 3040: A bill for an act relating to capital investment; appropriating money for rail grade separation projects in the city of Moorhead.

Referred to the Committee on Capital Investment.

Senator Cwodzinski introduced--

S.F. No. 3041: A bill for an act relating to capital investment; appropriating money for Opus Public Space in Minnetonka; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Cwodzinski introduced--

S.F. No. 3042: A bill for an act relating to education; establishing a legislative study group on school safety; requiring a report.

Referred to the Committee on Education Policy.

Senator Carlson introduced--

S.F. No. 3043: A bill for an act relating to elections; repealing certain eligibility requirements for caucus participation; repealing Minnesota Statutes 2022, section 202A.16.

Referred to the Committee on Elections.

Senator Hawj introduced--

S.F. No. 3044: A bill for an act relating to arts and cultural heritage; appropriating money for grants to facilitate youth involvement in tuj lub and sepak takraw sports.

Referred to the Committee on Environment, Climate, and Legacy.

Senator Hawj introduced--

S.F. No. 3045: A bill for an act relating to workforce development; appropriating money for career training in the culinary arts.

Referred to the Committee on Jobs and Economic Development.

Senator Klein introduced--

S.F. No. 3046: A bill for an act relating to capital investment; appropriating money for water and sewer infrastructure in the city of Newport; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Hoffman and Mohamed introduced--

S.F. No. 3047: A bill for an act proposing an amendment to the Minnesota Constitution, article XI, by adding a section; creating a dedicated fund for long-term care services; closing a tax loophole by levying a tax on individuals with income not taxed for Social Security purposes to fund long-term care services; dedicating revenues; providing for the commissioner of revenue and the commissioner of human services to propose implementing legislation.

Referred to the Committee on Human Services.

Senators Hoffman and Abeler introduced--

S.F. No. 3048: A bill for an act relating to real property; landlord and tenant; providing for care facilities; proposing coding for new law in Minnesota Statutes, chapter 504B.

Referred to the Committee on Human Services.

Senators Hoffman and Abeler introduced--

S.F. No. 3049: A bill for an act relating to civil procedure; exempting property tax refunds from attachment, garnishment, or sale; amending Minnesota Statutes 2022, section 550.37, by adding a subdivision.

Referred to the Committee on Judiciary and Public Safety.

Senators Hoffman and Abeler introduced--

S.F. No. 3050: A bill for an act relating to human services; appropriating money to develop a White Earth Nation-specific digital therapy tool for substance use disorder services.

Referred to the Committee on Human Services.

Senator Green introduced--

S.F. No. 3051: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land.

Referred to the Committee on Judiciary and Public Safety.

Senators Hoffman and Hawj introduced--

S.F. No. 3052: A bill for an act relating to arts and cultural heritage; appropriating money for Minnesota Council on Disability.

Referred to the Committee on Environment, Climate, and Legacy.

Senator Gruenhagen introduced--

S.F. No. 3053: A bill for an act relating to game and fish; providing for possession limits for sunfish in certain counties; proposing coding for new law in Minnesota Statutes, chapter 97C.

Referred to the Committee on Environment, Climate, and Legacy.

Senators McEwen and Dibble introduced--

S.F. No. 3054: A bill for an act relating to transit; appropriating money for certain transit service improvements, including transit fare elimination, transit shelters, zero-emission bus transition, arterial bus rapid transit planning, and transit signal priority system planning; establishing a working group; requiring reports.

Referred to the Committee on Transportation.

Senators Pratt, Mathews, Lieske, Duckworth, and Abeler introduced--

S.F. No. 3055: A bill for an act relating to energy; establishing the A+ Energy Act; amending Minnesota Statutes 2022, sections 216B.01; 216B.1691, subdivisions 1, as amended, 2e, as amended; 216B.243, subdivisions 3b, 8, as amended.

Referred to the Committee on Energy, Utilities, Environment, and Climate.

Senator Maye Quade introduced--

S.F. No. 3056: A bill for an act relating to capital investment; appropriating money for a household hazardous waste facility in Dakota County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Maye Quade introduced--

S.F. No. 3057: A bill for an act relating to education finance; providing for licensed school teacher salary increases; appropriating money.

Referred to the Committee on Education Finance.

Senator Maye Quade introduced--

S.F. No. 3058: A bill for an act relating to education finance; appropriating money to Metro Deaf School.

Referred to the Committee on Education Finance.

Senators Pappas and Oumou Verbeten introduced--

S.F. No. 3059: A bill for an act relating to public safety; removing law regarding collection of DNA data without a conviction; providing for the removal of certain biological specimens and records from the DNA index system; amending Minnesota Statutes 2022, section 299C.105, subdivision 1; repealing Minnesota Statutes 2022, section 299C.105, subdivision 3.

Referred to the Committee on Judiciary and Public Safety.

Senators Mohamed, Oumou Verbeten, Mann, Champion, and Seeberger introduced--

S.F. No. 3060: A bill for an act relating to public safety; expanding membership of the Sentencing Guidelines Commission; providing for staggered terms for members of the Sentencing Guidelines Commission; amending Minnesota Statutes 2022, section 244.09, subdivisions 2, 3.

Referred to the Committee on Judiciary and Public Safety.

Senator Johnson introduced--

S.F. No. 3061: A bill for an act relating to capital investment; appropriating money for a federal setting IV educational facility in Polk County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Dibble and Oumou Verbeten introduced--

S.F. No. 3062: A bill for an act relating to human services; appropriating money for HIV/AIDS support services.

Referred to the Committee on Health and Human Services.

Senator Port introduced--

S.F. No. 3063: A bill for an act relating to state government; changing trust account requirements; requiring reports; amending Minnesota Statutes 2022, sections 82.75, subdivision 8; 327C.095, subdivisions 12, 13, 16.

Referred to the Committee on State and Local Government and Veterans.

Senator Fateh introduced--

S.F. No. 3064: A bill for an act relating to economic development; appropriating money for Dreamland on 38th.

Referred to the Committee on Jobs and Economic Development.

Senator Morrison introduced--

S.F. No. 3065: A bill for an act relating to capital investment; appropriating money for a commodities storage and handling facility in the city of Orono; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Morrison introduced--

S.F. No. 3066: A bill for an act relating to capital investment; appropriating money for capital improvements at the Orono Golf Course Park; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Morrison introduced--

S.F. No. 3067: A bill for an act relating to capital investment; appropriating money for a community recreation center in the city of Orono; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Gustafson, Kupec, Hauschild, and Seeberger introduced--

S.F. No. 3068: A bill for an act relating to taxation; sales and use; providing for a small business sales tax allowance; amending Minnesota Statutes 2022, section 297A.77, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 297A.

Referred to the Committee on Taxes.

Senators Kunesh and McEwen introduced--

S.F. No. 3069: A bill for an act relating to natural resources; establishing Lowland Conifer Carbon Reserve; modifying uses of positive general fund balance; requiring reports; appropriating money; amending Minnesota Statutes 2022, section 16A.152, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 88.

Referred to the Committee on Environment, Climate, and Legacy.

Senator Hauschild introduced--

S.F. No. 3070: A bill for an act relating to human services; modifying payment rates for certain nursing facilities; amending Minnesota Statutes 2022, sections 256R.25; 256R.47.

Referred to the Committee on Human Services.

Senator Hauschild introduced--

S.F. No. 3071: A bill for an act relating to capital investment; appropriating money for a new facility for YMCA of the North Camp Northern Lights.

Referred to the Committee on Capital Investment.

Senator Farnsworth introduced--

S.F. No. 3072: A bill for an act relating to capital investment; appropriating money for a new public safety facility in the city of Chisholm; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Farnsworth introduced--

S.F. No. 3073: A bill for an act relating to capital investment; appropriating money for improvements at the Timber Hall facility in Embarrass Township.

Referred to the Committee on Capital Investment.

Senator Farnsworth introduced--

S.F. No. 3074: A bill for an act relating to capital investment; appropriating money for the regional public safety center and training facility project in the city of Virginia; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Hauschild and Farnsworth introduced--

S.F. No. 3075: A bill for an act relating to capital investment; appropriating money for a new spur of the Mesabi Trail; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Frentz introduced--

S.F. No. 3076: A bill for an act relating to capital investment; appropriating money for the children's museum in the city of Mankato.

Referred to the Committee on Capital Investment.

Senator Draheim introduced--

S.F. No. 3077: A bill for an act relating to local government; adding conforming industrialized or modular buildings for residential use to the structures that may not be prohibited by regulation; amending Minnesota Statutes 2022, section 462.357, subdivision 1.

Referred to the Committee on State and Local Government and Veterans.

Senator Draheim introduced--

S.F. No. 3078: A bill for an act relating to local government; increasing the threshold for municipal reporting of construction-related and development-related fee collections; requiring the commissioner of labor and industry to establish a cost per square foot valuation of certain properties for the purpose of setting municipal building permit fees; amending Minnesota Statutes 2022, sections 326B.145; 326B.153, by adding a subdivision.

Referred to the Committee on State and Local Government and Veterans.

Senator Draheim introduced--

S.F. No. 3079: A bill for an act relating to capital investment; appropriating money for an expansion of the Lake Crystal Area Recreation Center; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Draheim introduced--

S.F. No. 3080: A bill for an act relating to local and metropolitan government; the Legalizing Affordable Housing Act; addressing provisions on land use and planning requirements; amending Minnesota Statutes 2022, sections 15.99, subdivisions 1, 2; 326B.145; 326B.153, by adding a subdivision; 394.24, subdivision 1; 462.355, subdivision 4; 462.357, subdivisions 1, 2, by adding a subdivision; 462.358, subdivisions 2a, 2b; 473.145; 473.254, subdivision 2; 473.517, subdivision 3; 473.858, subdivision 1; 473.859, subdivision 2; 473.865, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapters 394; 462; 473; 513; proposing coding for new law as Minnesota Statutes, chapter 462E; repealing Laws 2017, First Special Session chapter 3, article 3, section 126; Laws 2018, chapter 214, article 2, section 46.

Referred to the Committee on Housing and Homelessness Prevention.

Senators Dibble and Hawj introduced--

S.F. No. 3081: A bill for an act relating to legacy; appropriating money to establish Camille J. Gage Artist Fellowship; requiring a report.

Referred to the Committee on Environment, Climate, and Legacy.

Senator Dibble introduced--

S.F. No. 3082: A bill for an act relating to workforce development; appropriating money for workforce development in the fields of construction, clean energy, and energy efficiency.

Referred to the Committee on Jobs and Economic Development.

Senator Champion introduced--

S.F. No. 3083: A bill for an act relating to economic development; appropriating money for minority business development; requiring a report.

Referred to the Committee on Jobs and Economic Development.

Senator Drazkowski introduced--

S.F. No. 3084: A bill for an act relating to capital investment; transportation; appropriating money for the realignment of Trunk Highway 60 and local infrastructure related thereto in the city of Wabasha; authorizing the sale and issuance of state bonds.

Referred to the Committee on Transportation.

Senator Jasinski introduced--

S.F. No. 3085: A bill for an act relating to transportation; modifying motor vehicle dealer access to replacement license plates; clarifying the operation of used motor vehicles by motor vehicle dealers and their employees; amending Minnesota Statutes 2022, sections 168.27, subdivision 16, by adding a subdivision; 168A.02, subdivision 2; 168A.03, subdivision 2; 168A.11, subdivision 1.

Referred to the Committee on Transportation.

Senator Eichorn introduced--

S.F. No. 3086: A bill for an act relating to gambling; authorizing the city of Cohasset to operate a casino gaming facility regulated by the Department of Public Safety; authorizing the city to issue additional on-sale intoxicating liquor licenses.

Referred to the Committee on State and Local Government and Veterans.

Senators Mohamed and Dibble introduced--

S.F. No. 3087: A bill for an act relating to transportation; appropriating money for transportation management and assistance activities.

Referred to the Committee on Transportation.

Senator Kunesh introduced--

S.F. No. 3088: A bill for an act relating to health; modifying the Safe Harbor Act to include all individuals; amending Minnesota Statutes 2022, sections 145.4711, by adding a subdivision; 145.4716; 145.4717; 145.4718; 609.3241; 609.5315, subdivision 5c.

Referred to the Committee on Health and Human Services.

Senator Kunesh introduced--

S.F. No. 3089: A bill for an act relating to state government; creating a fund for Native recovery; creating a council on Native programs; imposing new taxes; requiring an audit by the legislative auditor; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 287.21, by adding a subdivision; 287.29; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on State and Local Government and Veterans.

Senator McEwen introduced--

S.F. No. 3090: A bill for an act relating to capital investment; appropriating money for the children's museum in Duluth.

Referred to the Committee on Capital Investment.

Senator Pappas introduced--

S.F. No. 3091: A bill for an act relating to capital investment; appropriating money for Higher Education Asset Preservation and Replacement at the University of Minnesota; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Pappas introduced--

S.F. No. 3092: A bill for an act relating to capital investment; creating a new green infrastructure grant program; amending criteria for certain projects funded through the clean water and drinking water revolving funds; requiring rules and the prioritization of clean water and drinking water projects in certain project priority lists to factor in new criteria; appropriating money; amending Minnesota Statutes 2022, sections 116.182, subdivision 5; 446A.07, subdivisions 1a, 7, 8; 446A.081, subdivisions 1, 8, 9, 12; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Capital Investment.

Senator Pappas introduced--

S.F. No. 3093: A bill for an act relating to capital investment; appropriating money for Higher Education Asset Preservation and Replacement at the Minnesota State Colleges and Universities; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Oumou Verbeten, Dibble, Port, Hoffman, and Abeler introduced--

S.F. No. 3094: A bill for an act relating to transportation; creating a Plain Language Driver's Manual and Written Examination Working Group; requiring a report; appropriating money.

Referred to the Committee on Transportation.

Senator Fateh introduced--

S.F. No. 3095: A bill for an act relating to capital investment; appropriating money for a grant to Southside Community Health Services.

Referred to the Committee on Capital Investment.

Senator Fateh introduced--

S.F. No. 3096: A bill for an act relating to economic development; appropriating money for a grant to the Sabathani Community Center.

Referred to the Committee on Jobs and Economic Development.

Senator Fateh introduced--

S.F. No. 3097: A bill for an act relating to higher education; requiring a report on Minnesota State Colleges and Universities course placement practices; appropriating money.

Referred to the Committee on Higher Education.

Senator Murphy introduced--

S.F. No. 3098: A bill for an act relating to the legislature; appropriating money to the revisor of statutes to replace the bill and administrative rules drafting system.

Referred to the Committee on State and Local Government and Veterans.

Senator Murphy introduced--

S.F. No. 3099: A bill for an act relating to state government; providing a statutory appropriation of funds to the legislature for sums sufficient to operate the house of representatives, senate, and Legislative Coordinating Commission; requiring the Compensation Council to prescribe salaries for constitutional officers; amending Minnesota Statutes 2022, sections 10.44; 10.45; 15A.082, subdivisions 1, 2, 3, 4; 16A.152, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on State and Local Government and Veterans.

Senator Murphy introduced--

S.F. No. 3100: A bill for an act relating to the legislature; modifying the date on which the legislature must meet in odd-numbered years; modifying the definition of legislative day; amending Minnesota Statutes 2022, sections 3.011; 3.012.

Referred to the Committee on State and Local Government and Veterans.

Senator Koran introduced--

S.F. No. 3101: A bill for an act relating to lawful gambling; modifying certain pull-tab restrictions and requirements; amending Minnesota Statutes 2022, sections 349.1721, subdivision 3; 349.18, subdivision 4, by adding a subdivision.

Referred to the Committee on State and Local Government and Veterans.

Senators Pappas, Hawj, and Oumou Verbeten introduced--

S.F. No. 3102: A bill for an act relating to capital investment; appropriating money for a grant to Penumbra Theatre Company.

Referred to the Committee on Capital Investment.

MOTIONS AND RESOLUTIONS

Senator Morrison moved that the name of Senator Port be added as a co-author to S.F. No. 506. The motion prevailed.

Senator Xiong moved that the name of Senator Putnam be added as a co-author to S.F. No. 827. The motion prevailed.

Senator Rarick moved that the name of Senator Draheim be added as a co-author to S.F. No. 861. The motion prevailed.

Senator Boldon moved that the name of Senator Hauschild be added as a co-author to S.F. No. 993. The motion prevailed.

Senator Boldon moved that the names of Senators Hoffman and Lieske be added as co-authors to S.F. No. 999. The motion prevailed.

Senator Pappas moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Murphy be shown as chief author to S.F. No. 1304. The motion prevailed.

Senator Marty moved that the name of Senator Mann be added as a co-author to S.F. No. 1771. The motion prevailed.

Senator Oumou Verbeten moved that the name of Senator Gustafson be added as a co-author to S.F. No. 1884. The motion prevailed.

Senator Maye Quade moved that the name of Senator Mitchell be added as a co-author to S.F. No. 1940. The motion prevailed.

Senator Kupec moved that the name of Senator Putnam be added as a co-author to S.F. No. 2064. The motion prevailed.

Senator Wiklund moved that the name of Senator Farnsworth be added as a co-author to S.F. No. 2067. The motion prevailed.

Senator Maye Quade moved that the name of Senator Marty be added as a co-author to S.F. No. 2223. The motion prevailed.

Senator Mitchell moved that the name of Senator Westlin be added as a co-author to S.F. No. 2225. The motion prevailed.

Senator Morrison moved that the name of Senator Hoffman be added as a co-author to S.F. No. 2272. The motion prevailed.

Senator Nelson moved that the name of Senator Boldon be added as a co-author to S.F. No. 2293. The motion prevailed.

Senator Morrison moved that the name of Senator Abeler be added as a co-author to S.F. No. 2338. The motion prevailed.

Senator Morrison moved that the name of Senator Abeler be added as a co-author to S.F. No. 2339. The motion prevailed.

Senator Morrison moved that the name of Senator Abeler be added as a co-author to S.F. No. 2340. The motion prevailed.

Senator Carlson moved that the name of Senator Nelson be added as a co-author to S.F. No. 2354. The motion prevailed.

Senator Maye Quade moved that the name of Senator Oumou Verbeten be added as a co-author to S.F. No. 2431. The motion prevailed.

Senator Frentz moved that the names of Senators Kupec and Mitchell be added as co-authors to S.F. No. 2547. The motion prevailed.

Senator Boldon moved that the name of Senator Housley be added as a co-author to S.F. No. 2624. The motion prevailed.

Senator Mohamed moved that the name of Senator Wiklund be added as a co-author to S.F. No. 2719. The motion prevailed.

Senator Utke moved that the name of Senator Coleman be added as a co-author to S.F. No. 2789. The motion prevailed.

Senator Pappas moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Murphy be added as chief author to S.F. No. 2928. The motion prevailed.

Senator Mitchell moved that the name of Senator Abeler be added as a co-author to S.F. No. 2938. The motion prevailed.

Senator Putnam moved that the name of Senator Nelson be added as a co-author to S.F. No. 2962. The motion prevailed.

Senator Champion moved that the name of Senator Gustafson be added as a co-author to S.F. No. 2970. The motion prevailed.

Senator Xiong moved that the name of Senator Frentz be added as a co-author to S.F. No. 2973. The motion prevailed.

Senator Pappas moved that the name of Senator Boldon be added as a co-author to S.F. No. 2980. The motion prevailed.

Senator Kunesh moved that the name of Senator Mitchell be added as a co-author to S.F. No. 3000. The motion prevailed.

Senator Dibble moved that the name of Senator Hauschild be added as a co-author to S.F. No. 3008. The motion prevailed.

Senator Xiong moved that S.F. No. 2973 be withdrawn from the Committee on Environment, Climate, and Legacy and re-referred to the Committee on Energy, Utilities, Environment, and Climate. The motion prevailed.

Senator Howe introduced --

Senate Resolution No. 27: A Senate resolution commemorating the 50th anniversary of the establishment of the National Wild Turkey Federation.

Referred to the Committee on Rules and Administration.

SPECIAL ORDERS

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

H.F. Nos. 45 and 244.

SPECIAL ORDER

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.

H.F. No. 45 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Dziedzic	Jasinski	Mathews	Pratt
Anderson	Eichorn	Johnson	Maye Quade	Putnam
Bahr	Farnsworth	Klein	McEwen	Rasmusson
Boldon	Fateh	Koran	Miller	Rest
Carlson	Frentz	Kreun	Mitchell	Seeberger
Champion	Green	Kunesh	Mohamed	Utke
Cwodzinski	Gruenhagen	Kupec	Morrison	Weber
Dahms	Gustafson	Lang	Murphy	Wesenberg
Dibble	Hauschild	Lieske	Nelson	Westlin
Dornink	Hawj	Limmer	Oumou Verbeten	Westrom
Draheim	Hoffman	Lucero	Pappas	Wiklund
Drazkowski	Housley	Mann	Pha	Xiong
Duckworth	Howe	Marty	Port	

Pursuant to Rule 40, Senator Boldon cast the affirmative vote on behalf of the following Senators: Dziedzic, Maye Quade, Morrison, Pha, and Seeberger.

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Westrom.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 244: A bill for an act relating to uniform laws; adopting the Uniform Electronic Wills Act; making technical, clarifying, and conforming changes; amending Minnesota Statutes 2022, sections 524.1-201; 524.2-504; 524.2-506; 524.2-507; proposing coding for new law in Minnesota Statutes, chapter 524.

Senator Duckworth moved to amend H.F. No. 244, the first unofficial engrossment, as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2022, section 290.0132, subdivision 26, is amended to read:

Subd. 26. **Social Security benefits.** ~~(a) A portion~~ The amount of taxable Social Security benefits received by a taxpayer in the taxable year is allowed as a subtraction. ~~The subtraction equals the lesser of taxable Social Security benefits or a maximum subtraction subject to the limits under paragraphs (b), (c), and (d).~~

~~(b) For married taxpayers filing a joint return and surviving spouses, the maximum subtraction equals \$5,150. The maximum subtraction is reduced by 20 percent of provisional income over \$78,180. In no case is the subtraction less than zero.~~

~~(c) For single or head-of-household taxpayers, the maximum subtraction equals \$4,020. The maximum subtraction is reduced by 20 percent of provisional income over \$61,080. In no case is the subtraction less than zero.~~

~~(d) For married taxpayers filing separate returns, the maximum subtraction equals one-half the maximum subtraction for joint returns under paragraph (b). The maximum subtraction is reduced by 20 percent of provisional income over one-half the threshold amount specified in paragraph (b). In no case is the subtraction less than zero.~~

~~(e) For purposes of this subdivision, "provisional income" means modified adjusted gross income as defined in section 86(b)(2) of the Internal Revenue Code, plus one-half of the taxable Social Security benefits received during the taxable year, and "Social Security benefits" has the meaning given in section 86(d)(1) of the Internal Revenue Code.~~

~~(f) The commissioner shall adjust the maximum subtraction and threshold amounts in paragraphs (b) to (d) as provided in section 270C.22. The statutory year is taxable year 2019. The maximum subtraction and threshold amounts as adjusted must be rounded to the nearest \$10 amount. If the amount ends in \$5, the amount is rounded up to the nearest \$10 amount.~~

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2022.

Sec. 2. Minnesota Statutes 2022, section 290.0132, is amended by adding a subdivision to read:

Subd. 31. **Public pension income subtraction.** (a) The amount of a taxpayer's public pension exclusion is a subtraction.

(b) The amount of a taxpayer's federal exclusion is determined as follows:

(1) for a taxpayer whose provisional income is less than or equal to the base amount, the federal exclusion equals 100 percent of qualified benefits received during the taxable year;

(2) for a taxpayer whose provisional income exceeds the base amount, but is less than or equal to the adjusted base amount, the federal exclusion equals the greater of:

(i) 50 percent of qualified benefits received during the taxable year; or

(ii) the amount of qualified benefits minus 50 percent of the difference between provisional income and the base amount; and

(3) for a taxpayer whose provisional income exceeds the adjusted base amount, the federal exclusion equals the greater of:

(i) qualified benefits minus:

(A) 85 percent of provisional income in excess of the adjusted base amount; plus

(B) 50 percent of the difference between the base amount and the adjusted base amount; or

(ii) 15 percent of qualified benefits received during the taxable year.

(c) The amount of a taxpayer's state exclusion equals the lesser of:

(1) the amount of qualified benefits in excess of the taxpayer's federal exclusion; or

(2) the maximum exclusion for a taxpayer determined under paragraph (d).

(d) The maximum state exclusion equals \$5,450 for a joint return, half that amount for a married taxpayer filing a separate return, and \$4,260 for all other taxpayers. The maximum subtraction is reduced by 20 percent of provisional income in excess of:

(1) \$82,770 for a joint return;

(2) half the amount in clause (1) for a married taxpayer filing a separate return; and

(3) \$64,670 for all other filers.

(e) For the purposes of this subdivision:

(1) "base amount" has the meaning given in section 86(c)(1) of the Internal Revenue Code and "adjusted base amount" has the meaning given in section 86(c)(2) of the Internal Revenue Code;

(2) "provisional income" has the meaning given in section 290.0132, subdivision 26, paragraph (e);

(3) "public pension exclusion" means the sum of the federal exclusion calculated under paragraph (b) and the state exclusion calculated under paragraphs (c) and (d); and

(4) "qualified benefits" means any amount received:

(i) by a basic member of any pension plan governed by chapter 3A, 352B, 353, 354, or 354A, or the basic member's survivor, provided that the annuity or benefit is based on service for which the member or survivor is not also receiving Social Security benefits;

(ii) from any retirement system administered by the federal government that is based on service for which the recipient or the recipient's survivor is not also receiving Social Security benefits; or

(iii) from a public retirement system of or created by another state or any of its political subdivisions if the income tax laws of the other state permit a similar deduction or exemption or a reciprocal deduction or exemption of a retirement or pension benefit received from a public retirement system of or created by this state or any political subdivision of this state.

(f) The commissioner must adjust the maximum exclusion and phaseout threshold amounts in paragraph (d) as provided in section 270C.22. The statutory year is taxable year 2023. The maximum subtraction and threshold amounts as adjusted must be rounded to the nearest \$10 amount. If the amount ends in \$5, the amount is rounded up to the nearest \$10 amount.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2022.

Sec. 3. Minnesota Statutes 2022, section 290.091, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For purposes of the tax imposed by this section, the following terms have the meanings given.

(a) "Alternative minimum taxable income" means the sum of the following for the taxable year:

(1) the taxpayer's federal alternative minimum taxable income as defined in section 55(b)(2) of the Internal Revenue Code;

(2) the taxpayer's itemized deductions allowed in computing federal alternative minimum taxable income, but excluding:

(i) the charitable contribution deduction under section 170 of the Internal Revenue Code;

(ii) the medical expense deduction;

(iii) the casualty, theft, and disaster loss deduction; and

(iv) the impairment-related work expenses of a person with a disability;

(3) for depletion allowances computed under section 613A(c) of the Internal Revenue Code, with respect to each property (as defined in section 614 of the Internal Revenue Code), to the extent not included in federal alternative minimum taxable income, the excess of the deduction for depletion allowable under section 611 of the Internal Revenue Code for the taxable year over the adjusted basis of the property at the end of the taxable year (determined without regard to the depletion deduction for the taxable year);

(4) to the extent not included in federal alternative minimum taxable income, the amount of the tax preference for intangible drilling cost under section 57(a)(2) of the Internal Revenue Code determined without regard to subparagraph (E);

(5) to the extent not included in federal alternative minimum taxable income, the amount of interest income as provided by section 290.0131, subdivision 2;

(6) the amount of addition required by section 290.0131, subdivisions 9, 10, and 16;

(7) the deduction allowed under section 199A of the Internal Revenue Code, to the extent not included in the addition required under clause (6); and

(8) to the extent not included in federal alternative minimum taxable income, the amount of foreign-derived intangible income deducted under section 250 of the Internal Revenue Code;

less the sum of the amounts determined under the following:

(i) interest income as defined in section 290.0132, subdivision 2;

(ii) an overpayment of state income tax as provided by section 290.0132, subdivision 3, to the extent included in federal alternative minimum taxable income;

(iii) the amount of investment interest paid or accrued within the taxable year on indebtedness to the extent that the amount does not exceed net investment income, as defined in section 163(d)(4) of the Internal Revenue Code. Interest does not include amounts deducted in computing federal adjusted gross income;

(iv) amounts subtracted from federal taxable or adjusted gross income as provided by section 290.0132, subdivisions 7, 9 to 15, 17, 21, 24, ~~and~~ 26 to 29, and 31;

(v) the amount of the net operating loss allowed under section 290.095, subdivision 11, paragraph (c); and

(vi) the amount allowable as a Minnesota itemized deduction under section 290.0122, subdivision 7.

In the case of an estate or trust, alternative minimum taxable income must be computed as provided in section 59(c) of the Internal Revenue Code, except alternative minimum taxable income must be increased by the addition in section 290.0131, subdivision 16.

(b) "Investment interest" means investment interest as defined in section 163(d)(3) of the Internal Revenue Code.

(c) "Net minimum tax" means the minimum tax imposed by this section.

(d) "Regular tax" means the tax that would be imposed under this chapter (without regard to this section and section 290.032), reduced by the sum of the nonrefundable credits allowed under this chapter.

(e) "Tentative minimum tax" equals 6.75 percent of alternative minimum taxable income after subtracting the exemption amount determined under subdivision 3.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2022."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Westlin questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Pratt appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Boldon cast the affirmative vote on behalf of the following Senators: Dziedzic, Maye Quade, Morrison, Pha, and Seeberger.

Those who voted in the negative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senator: Westrom.

So the decision of the President was sustained.

H.F. No. 244 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Duckworth	Howe	Mann	Pha
Anderson	Dziedzic	Jasinski	Marty	Port
Bahr	Eichorn	Johnson	Mathews	Pratt
Boldon	Farnsworth	Klein	Maye Quade	Putnam
Carlson	Fateh	Koran	McEwen	Rarick
Champion	Frentz	Kreun	Miller	Rasmusson
Coleman	Green	Kunesh	Mitchell	Rest
Cwodzinski	Gruenhagen	Kupec	Mohamed	Seeberger
Dahms	Gustafson	Lang	Morrison	Utke
Dibble	Hauschild	Latz	Murphy	Weber
Dornink	Hawj	Lieske	Nelson	Wesenberg
Draheim	Hoffman	Limmer	Oumou Verbeten	Westlin
Drazkowski	Housley	Lucero	Pappas	Westrom

Wiklund

Xiong

Pursuant to Rule 40, Senator Boldon cast the affirmative vote on behalf of the following Senators: Dziedzic, Maye Quade, Morrison, Pha, and Seeberger.

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Westrom.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Latz moved that S.F. No. 1824 be withdrawn from the Committee on Finance and re-referred to the Committee on Judiciary and Public Safety. The motion prevailed.

MEMBERS EXCUSED

Senator Latz was excused from the Session of today from 11:00 to 11:20 a.m. Senator Rarick was excused from the Session of today from 11:00 to 11:20 a.m. Senator Coleman was excused from the Session of today from 11:15 to 11:25 a.m.

ADJOURNMENT

Senator Frentz moved that the Senate do now adjourn until 12:00 noon, Thursday, March 23, 2023. The motion prevailed.

Thomas S. Bottern, Secretary of the Senate